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Richardson Bay
SPECIAL AREA PLAN

APRIL 1984

ADDENDUM

SUBMARINE OPERATING AREA 207.640 (see note A)

FEBRUARY 1985

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INTRODUCTION

The Richardson Bay Special Area Plan is the result of more than two years of studies and public hearings held by the Steering Committee, composed of representatives of the cities of Belvedere, Mill Valley, Sausalito and Tiburon, the Marin County Board of Supervisors, and the San Francisco Bay Conservation and Development Commission; and the Advisory Committee, which included representatives of over 50 groups and public agencies interested in Richardson Bay.

Following the work of the Committees, the Plan had public hearings at each of the Cities, the County and BCDC. These hearings were held during July-October, 1984. These hearings, at the Planning Commission, City Council and Board of Supervisors, raised some additional issues, and generated substantial public comment. In order to reflect this public testimony, several of the agencies requested that this addendum be prepared to include letters received, responses from staff and consultants, and the environmental documents which were a part of the adoption process. Additionally, the minutes of all of the hearings have been assembled to provide a record of the public testimony received, and the votes cast by each jurisdiction. The Richardson Bay Special Area Plan has been adopted by the Councils of Belvedere, Mill Valley, Sausalito and Tiburon, the Marin County Board of Supervisors and the San Francisco Bay Conservation and Development Commission.


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RICHARDSON BAY SPECIAL AREA PLAN

Hearing to consider the adoption of the proposed Richardson Bay Special Area Plan, which consists of a study on the water and shore line areas of Richardson Bay and develop policies for the future management of the Bay and its shoreline. The Richardson Bay Planning Area consists generally of the water area of Richardson Bay and the shoreline 100 feet inland from the high tide line. These areas include the County and Belvedere, Sausalito, Tiburon and Mill Valley municipal jurisdictions. Prior to the above described hearing the Planning Commission will hold a public hearing on a proposal to adopt a Negative Declaration of Environmental Impact.

Carol Williams, Policy and Program Planner, presented the staff report followed by Commission discussion of policies in the Richardson Bay Special Area Plan.

The hearing was opened to public discussion.

Jean Starkweather, Marin Conservation League, supported the policy of a no-discharge zone in the bay and policies which maintain the protection of water quality, wildlife and recreation benefit for people. She urged adoption of the Richardson Bay Special Area Plan.

Joyce Rifkind, board member of the Environmental Forum, stated that at their March 6th meeting they endorsed the concept of the Richardson Bay Special Area Plan. The Board supports the interjurisdictional plan which addresses the problems of pollution, sedimentation, diminshing wildlife habitat and nonconforming living units. The Board urges the uniform policy and regulatory control of this important natural resources and urge the adoption of the Plan.

Manette Radford submitted photos of anchor-out boats in the bay. She is concerned about their impact on the bay and urged adoption of the Richardson Bay Special Area Plan.

Stephen A. Fraser, Attorney representing residents of B and C Docks, addressed the concerns about anchor-outs. He requested that on page 27, footnote #2 be delete because the Gates Co-op is not an expansion of the existing Waldo-Point Harbor floating home marina.

Sue Beittel, League of Women Voters, submitted a written statement urging support for a sewage no-discharge zone and for inclusion of a prohibition of graywater discharge. The league urged adoption of the Plan.

Dana More, a resident of the Strawberry Lagoon, was concerned that the Plan states that the SaltWorks Canal is navigable and does not need to be dredged. He stated that much of the time the canal is not navigable and the plan as it is written will prevent any possiblity of dredging. He requested that the wording be clarified.

Jim McGinnis stated that the Plan indicates that at the present time the canal is navigable; from his experience the canal is not navigable 79% of the time and his boat with a 2.4 inch draft often has trouble navigating the canal unless the tide table is greater than three feet.

M. Kaboudvan, a boat owner in the Strawberry Cove area, was concerned about the navigablity of the SaltWorks Canal and confirmed that the amount of time available for leaving the canal is diminishing yearly.

Paul Guttman, also stated that the SaltWorks Canal is not navigable for large periods of time. Further, he was concerned that the storm drains are carrying a great deal of dirt/silt from projects under construction off Tiburon and that the floating algae mat in the summer is a possible environmental health problem.

Barbara Salzman, Marin Audubon Society, submitted a letter from the National Audubon Society, urging that the protection of wildlife habitat be a major concern of the Plan. She commended the BCDC and County staffs for the work on the Richardson Bay Special Area Plan and support that was given to protection of water quality and wildlife. They support the plan and feel it will have only positive impacts on the bay and the public trust lands. She urged approval of the Negative Declaration and the adoption of this Plan.

Jane A. Piereth, resident of Waldo Point Harbor, Director of Sailing Programs for the environmental group of the Oceanic Society, and a Petty Officer for the Coast Guard Reserves, stated that enforcement of MSD laws are of low priority for the Coasta Guard. She further addressed the issue of anchorouts and the problems they have created in increasing numbers, pollution and hazards to navigation of small boats and low-cost water sport activities. The central enforcement unit proposed by the Plan provides the only way to deal with many of Richardson's Bay problems, such as thievery, anchorouts and pollution. She urged adoption of the Plan.

Gregory Andrew, Marin Conservation Corps, supports the Plan and recommended that specific wording be included requiring monitoring programs to study the aquatic resources, ie., fish, wildlife and aquatic grasses.

Sharon McNamee, representing the Strawberry Recreation District, supports adoption of the Plan because of the District's concerns about the environment and the protection of the public recreation areas that front on the bay. Further, she urged that the EPA be petitioned to make the Richardson Bay a no-discharge zone. She stated that the Recreation District is one of the agencies which has adopted the Plan.

Gerald Borkenhagen supports the Plan and request that footnote 2 be deleted from page 27.

David Johnson, resident of South 40 Dock, Waldo Point Harbor, urged adoption of the Plan.

Allison Thompson, member of the advisory committee for the anchor-outs, stated that the problem of sewage in the bay is caused by inadequate sewage facilities on land and that before the bay can become a no-discharge zone it must be proven there are adequate pump-out facilities on Richardson Bay. The Sausalito Planning Commission has rejected the Negative Declaration accompanying the plan due to inappropriate "checks" on the checklist. Sausalito has continued the hearing process on the Plan to September 5 and are expecting a report on the Negative Declaration and discussion of human resource and how dislocation of individuals will be handled if the Plan is adopted.

Clayton Smith, urged adoption of the Plan with specific reservations due to his concern about the displacement of the anchor-outs and the impact this could have on the floating home marina of Waldo Point Harbor. He feels that the Plan has allowed a loop-hole in terms of the anchor-out problem by reference of footnote 2 on page 27.

Georgina Ritchie supports the Plan and feels it will be difficult to enforce sewage hook-ups. She suggested that an outside mediator be hired to be responsible for enforcement of sewage hook-up.

John Roemer supports the Richardson Bay Special Area Plan but wants the deletion of footnote 2 on page 27.

Judith Bang is against the Plan because it is a development management plan. She reviewed the Negative Declaration and stated "J and K" should have been marked "yes."

Elsa Gruber supports the Plan.

The hearing was closed to public testimony.

The Commission discussed the issues of concern and requested the following:

1. Dredging and Spoils Disposal, pages 22-23, Finding No. 6., Saltworks Canal, wording is to be clarified that dredging is not precluded.

2. Statement of purpose to be included that clarifies that the Richardson Bay Special Area Plan is encouraging the policies of increasing open waters.

3. The Department of Fish and Game is to be contacted by letter requesting that they expand the monitoring of the aquatic resources of Richardson Bay, ie., eel grass.

4. Residential Vessels and Floating Structures, Policies - page 27, Footnote 2, staff is requested to clarify the wording of Gates Co-op in relation to using the remainder of BCDC's Waldo Point Harbor permits.

5. An addendum is to be incorporated into the plan which will include responses to comments, corrections of justifications, definition of transient boats, letters and an explanation of findings for the Negative Declaration of Environmental Impact.

H. Eric Borgwardt, Environmental Coordinator, stated in response to social and economic issues which were addressed at this hearing that Section 15.131 of the CEQA Guidelines states that social and economic information may or may not be included in an EIR at the discretion of an agency. Many of these issues have been addressed in detail within the documentation prepared as background for the Richardson Bay Special Area Plan. These issues become discretionary ones based upon comment and review received from the public or considered important by the deciding body. Regarding the Negative Declaration if an issue is checked "yes" significant mitigation measures have to be advanced regarding the concerns. If it is checked "no" this indicates it does not represent a significant adverse impact which cannot be mitigated.

M/s-McClellan-Evans: Move to approve the Negative Declaration of Environmental impact for the Richardson Bay Special Area Plan.

The motion carried unanimously. (Commissioners Friedman and McOuat were absent.)

M/s-McClellan-Evans: Move to adopt Resolution 3182 recommending that the Board of Supervisors adopt the findings and policies and the plan maps of the Richardson Bay Special Area as an area plan which is part of the Marin Countywide Plan. Also, an appendix to the plan should be prepared which includes minutes of the Planning Commission and answers to questions raised in the meeting. As well as, minutes and correspondence from other jurisdictions holding hearings on the plan.

The motion carried unanimously. (Commissioners Friedman and McOuat were absent.)

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. 3182

A RESOLUTION OF THE MARIN COUNTY PLANNING COMMISSION RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT THE RICHARDSON BAY SPECIAL AREA PLAN

WHEREAS, in 1982 the County of Marin, the cities of Belvedere, Tiburon, Mill Valley, Sausalito and the Bay Conservation and Development Commission approved a Steering Committee and an Advisory Committee to guide the preparation of a management plan for Richardson Bay, and

WHEREAS, the Steering Committee approved the Richardson Bay Special Area Plan on April 17, 1984, after three public hearings on the draft plan, and

WHEREAS, the findings and policies of the Richardson's Bay Special Area Plan provide guidance for protection of aquatic and wildlife resources, for the improvement of water quality, for maintenance and establishment of navigation channels, for siting of new marinas and establishment of anchorage and moorage zones, for dredging and spoils disposal, for location of residential vessels and floating structures, for public access, views and vistas, and for tidal restoration and marsh enhancement, and

WHEREAS, the Plan maps provide guidance for navigation and beneficial usage of the waters of Richardson Bay and reflect general plan and zoning designations established by the County of Marin.

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby approves and recommends that the Board of Supervisors adopt the findings and policies of the Richardson Bay Special Area Plan and also adopt the plan maps which apply to Marin County as part of the Countywide Plan.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 23rd day of July, 1984 by the following vote to-wit:

AYES: Commissioners: Blackseth, Evans, Garfien, McOuat, McClellan, Sessi

NOES: Commissioners:

ABSENT: Commissioners: Friedman

MARIN COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. 84-389

A RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS ADOPTING THE RICHARDSON BAY SPECIAL AREA PLAN

WHEREAS, in 1982 the County of Marin, the cities of Belvedere, Tiburon, Mill Valley, Sausalito and the Bay Conservation and Development Commission approved a Steering Committee and an Advisory Committee to guide the preparation of a management plan for Richardson Bay, and

WHEREAS, the Steering Committee approved the Richardson Bay Special Area Plan on April 17, 1984, after three public hearings on the draft plan, and

WHEREAS, the Marin County Planning Commission held a duly noticed public hearing on the Plan on July 23, 1984, and

WHEREAS, the Marin County Planning Commission adopted a resolution recommending that the Marin County Board of Supervisors adopt the Richardson Bay Special Area Plan, and

WHEREAS, the findings and policies of the Richardson Bay Special Area Plan provide guidance for protection of aquatic and wildlife resources, for the improvement of water quality, for maintenance and establishment of navigation channels, for siting of new marinas and establishment of anchorage and moorage zones, for dredging and spoils disposal, for location of residential vessels and floating structures, for public access, views and vistas, and for tidal restoration and marsh enhancement, and

WHEREAS, the Plan maps provide guidance for navigation and beneficial usage of the waters of Richardson Bay and reflect general plan and zoning designations established by the County of Marin,

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors hereby adopts the findings and policies and the plan maps of the Richardson Bay Special Area Plan as an area plan which is part of the Marin Countywide Plan.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 14th day of August 1984, by the following vote to-wit:

AYES: Supervisors: Bob Stockwell, Gary Giacomini, Harold Brown, Bob Roumiguiere, Al Aramburu

NOES: Supervisors: -

ABSENT: Supervisors: -

CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF MARIN

Van Gillespie

Van Gillespie
Clerk of the Board

#47 HEARING - APPEAL OF PLANNING COMMISSION DENIAL OF USE PERMIT, NAVIGATIONAL LOCK, BEL MARIN KEYS (Continued from Previous Page)

Discussion followed, with individual Board members expressing their views on the matter. Thereafter, M/s Stockwell-Brown, to reverse the action of the Planning Commission and approve Use Permit application 84-16 incorporating the findings set forth by the Hearing Officer, thereby fully sustaining the appeal of the Bel Marin Keys CSD, by modifying Condition 6 to state:

> The use permit is defined and intended as a temporary and interim permit. It is recognized that lands located easterly of the proposed lock owned by McAlester Construction Finance Corporation are planned and zoned for urban development. It is further noted that development proposals have, in the past, proposed extension of Bel Marin Keys Boulevard to service and access that property. Therefore, at such time in the future as a master plan and development plan, including tentative subdivision map, is approved for the development of the subject McAlester property and which plans contemplate either the extension of Bel Marin Keys Boulevard to service such property or which indicate relocation of the lock approved in this use permit, it shall be the responsibility of the Bel Marin Keys CSD to undertake removal of the lock and restoration of the lock area unless there is agreement between all parties including, but not limited to, the Bel Marin Keys CSD and the owner's representatives or successors in interests of the McAlester Construction Finance Corporation property to otherwise share the cost thereof. Additionally, should the lock be removed as a result of the requirement of extending Bel Marin Keys Boulevard, the Bel Marin Keys CSD shall also be required to install drainage improvements so as to fulfill other conditions imposed by Marin County in the approval of the Bel Marin Keys Unit 4 Tentative and Final Subdivision Maps and associated agreements.

AYES: ALL

#48 HEARING - NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND RICHARDSON BAY SPECIAL AREA PLAN

Planning staff presented the information contained in their report dated August 10, 1984 and spoke to the issues raised during previous hearings on the subject plan. The public hearing was declared open, during which time individuals and representatives of various organizations addressed the Board in support of the plan. Board members expressed their views on the plan and thanked staff and public for their efforts in developing the document.

Thereafter, M/s Giacomini-Stockwell, to adopt a Negative Declaration of Environmental Impact for the Richardson Bay Special Area Plan.
AYES: ALL

M/s Giacomini-Stockwell, to adopt Resolution No. 84-389, thereby approving the Richardson Bay Special Area Plan as an area plan which is part of the Marin Countywide Plan.
AYES: ALL

The Board adjourned at 3:50 p.m. SINE DIE

CHAIRMAN

ATTEST:

Clerk of the Board

CITY OF BELVEDERE

CITY COUNCIL & PLANNING COMMISSION

JOINT WORKSHOP

AUGUST 1, 1984

The Joint Workshop of the City Council and the Planning Commission of the City of Belvedere was called to order by Mayor Gnoss at 7:42 P.M. in the City Council Chambers of City Hall. Councilmembers present: Mayor Gnoss, Boesel, Farley, Findlay and Gordon. Planning Commissioners present: Chairman Emmons, Jocelyn and Maier. Commissioners absent: Berg, Hockaday and Otter. Staff present: City Manager San Diego, Planning Consultant Palomares and Minutes Clerk Nutting.

The Joint Workshop was held to discuss the following matter:

RICHARDSON BAY SPECIAL AREA PLAN, INITIAL STUDY AND NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

Mayor Gnoss began the hearing by asking Planning Consultant Palomares to give the audience a brief background of the matter before them. She told the audience that the Richardson Bay Special Area Plan is based on a number of background reports and studies covering the following issues: a) water quality, b) sediment hydraulics, c) aquatic and wildlife resources, and d) the status of existing shoreline and water uses around Richardson Bay. The Plan was forwarded to the Cove Committee for their input and Palomares noted that Don Davis, Chairman of the Cove Committee, was present at this hearing.

She went on to say that BCDC wanted Belvedere to adopt the entire Richardson Bay Special Area Plan as part of our General Plan. It had already been sent to the State Clearinghouse, along with the initial study and negative declaration of environmental impact, and the State has 30 days to review it. She said that, at this meeting, staff is recommending that the major issues of the Plan be discussed and public comment be taken. Then the matter will be forwarded to the August 20, 1984 Planning Commission meeting for further public comment; and, then back to the City Council at their September 4, 1984 meeting for adoption.

Mayor Gnoss introduced Don Davis who addressed the Workshop on behalf of the Cove Committee. He stressed the Yacht Clubs' concerns regarding pumpout facilities and went on to say that the San Francisco Yacht Club's Board of Directors was recommending that the City not adopt the Richardson Bay Special Area Plan. Other concerns expressed by the Committee were floating debris and dredging.

Mayor Gnoss welcomed Margit Hind, representing BCDC (Bay Conservation and Development Commission), and Al Aramburu, Chairman of the Marin County Board of Supervisors.

Councilmember Farley had questions regarding the issue of floating debris.

Hind said that there were additional issues, such as floating debris, that needed to be addressed at some time. She said that BCDC and the County recommended that these additional concerns be put in the form of an addendum to the Plan that would be addressed at a later time. She said she believed the Town of Tiburon had such an addendum which contained the minutes of all pertinent public hearings, all public testimony and all correspondence regarding this matter.

Carol Williams, representing the County Planning Department, reiterated what Hind had previously said and went on to say that regarding the issue of floating debris, it should be dealt with jointly by all the cities and towns involved as it is a common problem.

Mayor Gnoss said that due the limited time available at this meeting, he suggested isolating particular issues to be discussed or areas of concern. He asked if the Council or Commission had any questions.

Commissioner Jocelyn questioned Policy #6 regarding sediment and erosion and the control measures. He interpreted it to mean that any work done on any property within 100 feet of the shoreline would require BCDC approval.

Margit Hind responded by saying it would be controlled through the standard permit process at the local level; and, BCDC would reinforce it at their level. There would not be an increase to the number or type of permit requiring BCDC approval. There is a specific definition of the types of permits that require BCDC approval she said.

Councilmember Gordon asked if the adoption of the Plan would impose any new requirements on local government or the private property owner; and, would it impair or restrict the City's powers in any way.

Mayor Gnoss asked Supervisor Aramburu to respond to that. Aramburu said that adoption of the Plan would not expand the powers of BCDC, nor would it add any additional layer of government. He stressed that the enforcement would be by local government. He also wanted to mention the matter of hydraulic dredging, which he said would not be inhibited by the Plan and would continue to be reviewed on a case by case basis.

Councilmember Boesel briefly addressed the issue of graywater. He went on to ask if, in the future, the City would have the right to withdraw from, amend, or delete portions of the Area Plan. He felt the wording was loose in many parts of the Plan and wondered if in 3 or 4 years a new BCDC Board interpreted a portion of it, such as requiring a Yacht Club to install a pumpout station for example, would they have that authority.

Margit Hind said BCDC would not have the power to do that.

Mayor Gnoss directed staff to check State zoning laws and codes as they pertain to amending abilities and processes before the Planning Commission meeting.

Boesel asked what Aramburu anticipated to be the cost involved. Aramburu said there would be some additional staff and a boat; and, it shouldn't be more than around $100,000 per year.

Jeanne Price, representing the Marin Audubon Society, read a letter aloud to the Council and Commission regarding the Society's interest in wildlife and urging adoption of the Plan.

Charles Findlay, representing the San Francisco Yacht Club, said that the issues of graywater, pumpout facilities, hydraulic dredging, and other layers of government are the reasons the Yacht Club is against the Plan. He said that the Yacht Club feels that Belvedere Cove is not really a part of Richardson Bay.

Wendy Buchen, representing the League of Women Voters of Marin County, read a letter aloud urging designation of Richardson Bay as a "vessel sewage no-discharge zone", and also urging adoption of the Plan.

Mayor Gnoss said that with there being no further comments, this would be passed on to the August 20th Planning Commission meeting for their recommendation and back to the City Council at their September 4th meeting.

Councilmember Farley strongly suggested that both Yacht Clubs reread the Richardson Bay Special Area Plan and consider it carefully. He suggested Belvedere stick together with the other cities involved and not become alienated where this is concerned, otherwise we may find ourselves alone with problems in the future.

Mayor Gnoss adjourned the Workshop at 8:35 P.M.

APPROVED:

Frederick Emmons, Chairman

APPROVED:

George H. Gnoss, Jr., Mayor

ATTEST:

Edmund H. San Diego, City Clerk

Council asked if the City takes advantage of discounts for early payment of bills. The City Manager replied that it does.

MOTION: To approve the consent calendar consisting of:

1. Adopt motion approving minutes of the following City Council meetings:

   a) August 1, 1984, Joint Workshop with Planning Commission
   b) August 1, 1984, Rescheduled Regular Meeting
   c) August 16, 1984, Special Meeting
   d) August 27, 1984, Special Meeting (as amended by Farley)

2. Adopt motion approving Warrants of July, 1984.

3. Adopt motion approving revocable license at 219 Beach Road for garage and funicular well. Applicants: Richard and Ann Otter.

MOVED: By Farley, seconded by Gordon

VOTE: Unanimous approval

PUBLIC HEARINGS

4. EXCEPTION TO MERGER OF TWO PARCELS: A.P. 60-223-09 AND 60-223-13. APPLICANTS: NATHAN AND CARLISLE ROWLEY

Boesel said that Mayor Gnoss has requested that this item be rescheduled for the October Council meeting when he can be present.

5. ADOPT RESOLUTION ADOPTING RICHARDSON BAY SPECIAL AREA PLAN AS PART OF BELVEDERE'S GENERAL PLAN AND NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

Vice-Mayor Boesel opened the public hearing. No one from the audience wished to comment.

San Diego told the Council that the San Francisco Yacht Club has contacted the City to say they have reconsidered the Plan and will not be opposing it or sending a representative to tonight's hearing.

Boesel showed the Council an August 28 Independent Journal article on a proposed $350,000 expansion of Carusos Sport Fishing Center in Sausalito. The project is mainly addition of commercial space with no slips being added. BCDC is pressuring them to put in a pump out station. BCDC has stated definitively in the Yacht Club's case that they will not require a pump out station for any project short of a major expansion of berths. BCDC has said they will not require a pump out station for a dredging permit or other remedial work.

Boesel closed the public hearing.

MOTION: To adopt the resolution adopting the Richardson Bay Special Area Plan as part of Belvedere's General Plan and to adopt the negative declaration of environmental impact.

MOVED: By Farley, seconded by Gordon

Council, the City Manager, Jeff Blanchfield of BCDC, and Coordinating Planner Martha McCart discussed formulation and adoption of a joint powers agreement and possible distribution of costs under the JPA for enforcement of the RBSAP. Formal discussion among City and County representatives began in July regarding how much it will cost to hire a patrol officer, clerk, and boat to police the Richardson Bay. A loose figure of $100,000 per year has been suggested. The Richardson Bay cities will work cooperatively under the JPA to decide how to police the Bay, how much should be spent, and how the costs will be

divided. Sausalito and the County have already agreed to share most of the costs since they will benefit the most.

Blanchfield and McCart assured the Council that adopting the RBSAP will not obligate the City to join the JPA. The City may also elect at a later date to remove Belvedere Cove from the RBSAP if it is found that its inclusion will unreasonably increase the share of Belvedere's costs for Plan enforcement.

McCart said that a joint powers agreement should be drafted and ready for consideration by the City by the end of 1984. An enforcement plan would not be approved and implemented until the Spring of 1985 at the earliest.

VOTE: Unanimous approval.

REPORTS

6. POLICE REPORT

Council reviewed Chief Lester's memo regarding false alarm activations. Council was not in complete agreement with him that fines should be imposed only in cases of abuse or negligence. Council asked the City Manager to tell the Police Chief that 254 false burglary alarms in eight months with no fines is an imbalance.

Council asked if Chief Lester will be presenting a disaster preparedness program at the October Council meeting since winter and the flood season are approaching. San Diego replied that Lester is working on on it and he will sechedule a presentation by the end of October.

ADJOURN

The meeting was adjourned in memory of Mason Wells at 8:50 PM. The meeting was adjourned to a special Council meeting on September 18 at 7:30 PM to discuss bids for the San Rafael Avenue seawall.

APPROVED:

_____
George H. Gnoss, Jr., Mayor

ATTEST:

_____
Edmund H. San Diego, City Clerk

D R A F T

CITY OF BELVEDERE

RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE
TO ADOPT THE RICHARDSON BAY SPECIAL AREA PLAN AND
A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR SAID PLAN

WHEREAS, in 1982 steering and advisory committees comprised of representatives from Belvedere, Mill Valley, Sausalito, Tiburon, Marin County and BCDC were organized to prepare a set of policies to preserve and enhance the environs of Richarson Bay; and

WHEREAS, five technical background studies were conducted, the findings of which provide the basis for the policies set forth in the Richardson Bay Special Area Plan; and

WHEREAS, the Planning Commission has held duly noticed public hearings on the Richardson Bay Special Area Plan and on the negative declaration of environmental impact on August 1, 1984 and August 20, 1984 and has adopted Planning Commission Resolution No. 84-6 recommending that the City Council adopt the Richardson Bay Special Area Plan and negative declaration of environmental impact; and

WHEREAS, the City Council has made the following findings:

1. The Richardson Bay Special Area Plan sets forth a unified set of planning policies that seek to enhance and preserve the environs of Richardson Bay, of which the City of Belvedere is a part;

2. Given the goals and policies of the Richardson Bay Special Area Plan, adoption of said plan will achieve long term environmental goals and the implementation of said plan shall result in beneficial effects on Richardson Bay and Richardson Bay communities;

3. The City's concerns regarding policy #7, pg. 15 of the plan, regarding provision of pumpout facilities for the local yacht clubs, have been satisfactorally clarified in the letter prepared by the Deputy Attorney General dated August 13, 1984.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby:

1. Adopt a negative declaration of environmental impact for the Richardson Bay Special Area Plan; and

2. Adopt the Richardson Bay Special Area Plan, Part I Findings and Policies and Part II, the Special Area Plan Maps as an area plan for Belvedere's General Plan as contained in the document entitled "Richardson Bay Special Area Plan, April, 1984".

PASSED AND ADOPTED at a rescheduled regular meeting of the City Council of the City of Belvedere on the 4th day of September, 1984 by the following vote:

AYES:

NOES:

ABSTAIN:

ATTEST: APPROVED:

Edmund H. San Diego, City Clerk George H. Gnoss, Jr., Mayor

b) Security in the form of a Letter of Credit or cash covering grading, drainage, erosion control seeding, temporary erosion control facilities.

9. All construction materials shall be stored on the site during construction.

The motion carried unanimously.

4. Richardson Bay Special Area Plan:

Consideration of the proposed Richardson Bay Special Area Plan. The Richardson Bay Special Area Plan represents a two-year planning effort by Marin County, the cities of Belvedere, Tiburon, Mill Valley, Sausalito and the Bay Conservation and Development Commission to study the water and shorelin areas of Richardson Bay and develop policies for the future management of the Bay and its shoreline.

Planning Director Dickenson reviewed the staff report.

Commissioner Dernburg concurs with staff recommendation.

Chairperson Wallace opened the Public Hearing.

Roberta Keiler, representing the League of Women Voters, read a letter to the Commission supporting adoption of the Plan.

Hans Schiller, stated the Steering Committee was unanimous in their support of the Plan and recommended approval.

Chairperson Wallace closed the Public Hearing.

M/s Dernburg/Mishel to:

1. Adopt a Negative Declaration of Environmental Impact for the Richardson Bay Special Area Plan.

2. Adopt Resolution No.2 recommending that the City Council approve the Richardson Bay Special Area Plan, and the policies contained therein, as an area plan which is part of the Mill Valley General Plan.

The motion carried unanimously.

DISCUSSION ITEMS:

1. Marin Auto Body - 111 Camino Alto (G.S.)

Report to the Planning Commission regarding recent administrative action denying a business license allowing Marin Auto Body to operate at 111 Camino Alto as a legal, non-conforming use as it pertains to a legal non-conforming use and a business license for Marin Auto Body.

Associate Planner Schiefer reviewed the memo submitted in regard to Marin Auto Body's compliance with the Zoning Code.

Commissioner Schneider asked how much flexibility was allowed in the ordinance on a non-conforming use taking over the operation of an already existing non-conforming use. She asked if the school use at Middle School would have an impact on the use.

Staff responded that the flexibility used in determining if the non-conforming use was in conformance was left up to staff's interpretation and that the issue of whether or not the Middle School would have any impact was not applicable.

Creek Lane or designating individual parking spaces.

3. Richardson Bay Special Area Plan - Negative Declaration of Environmental Impact and Area Plan Amendment to the General Plan (Dickenson) - Reso.84-38 Hearing to consider the proposed Richardson Bay Special Area Plan which represents a two-year planning effort by Marin County, the cities of Belvedere, Tiburon, Mill Valley, Sausalito and B.C.D.C. to study the water and shoreline areas of Richardson Bay and develop policies for the future management of the Bay and its shoreline. Hearing on a Negative Declaration of Environmental Impact (a finding that the proposed plan will not have a significant adverse environmental impact, and therefore an Environmental Impact Report will not be required.)

   Action Taken: Director of Planning and Building Dickenson reviewed the purpose of the hearing. Mayor Boessenecker opened the public hearing on the proposed plan.

   Clarification of Plan details was provided by Hans Schiller, Vice Chairman of the Special Area Plan Advisory Committee, Jeff Blanchard, BCDC Planner; Consultant Martha McCart, and Carol Williams, County Planner.

M/s Spotswood-Binderup and unanimously voted to continue the meeting beyond midnight.

Candra Day, 20 Cascade Way, Gates Cooperative employee, recommended that the Council delay adopting Parts 1 and 2 of the plan until the City of Sausalito acts on it.

Hans Schiller, Vice Chairman of the Steering Committee and the Citizens Advisory Committee, Geologist Salem Rice, Margaret Zegart, Advisory Committeemember, and Martha Fleischmann of the League of Women Voters, urged adoption of the plan.

Peter Amic, Gates Cooperative, and Judith Bang, boat dweller, advised caution in proceeding with approving the plan, as they believe it is not as environmentally sound as it could be and that the Plan aims to eliminate "anchor outs".

After Council discussion, it was:

M/s Spotswood-Foote and unanimously voted to adopt a Negative Declaration of Environmental Impact for Parts I and II of the Richardson Bay Special Area Plan. M/s Spotswood-Ruedy and unanimously voted to adopt Resol. 84-38, approving the Richardson Bay Special Area Plan and the policies contained therein, as an area plan which is part of the Mill Valley General Plan with the condition that the Sociological Impact Report be included in the Appendix and that the latter information be considered before a decision is made on implementation.

NEW BUSINESS

4. Marin Recycling and Resource Recovery - (Tweedie) Request for Reduction in Rate. Reso.84-39 amending Resolution establishing Garbage Collection rates.

   Action Taken: M/s Binderup-Boessenecker, and unanimously voted, to adopt Reso. 84-39.

SAUSALITO
PC MTNG OF 6/20/84

NEGATIVE DECLARATION
RICHARDSON BAY SPECIAL
AREA PLAN

Chairman Fancher opened the hearing on the negative declaration prepared for Planning Commission consideration of the requirements of the California Environmental Quality Act as they apply to the proposed adoption by the City of Sausalito of the Findings, Policies and Maps contained in the Richardson Bay Special Area Plan.

This Plan has been prepared as a joint project of the San Francisco Bay Conservation and Development Commission (BCDC), the County of Marin, and the cities of Sausalito, Mill Valley, Tiburon and Belvedere.

Mr. Foley advised that copies of the Plan had been distributed to the Commission as well as many copies of the Plan to others in Sausalito. Staff found issue with one section--"H" on page B-3 which should probably be answered "Yes" or "?. This relates to the economic impact.

Staff recommended that a negative declaration be approved and that a hearing on the Plan, itself, be held on July 5, 1984. It is then scheduled to go to the City Council on July 10, 1984.

Ms. Thompson asked if this meant that the Commission was trying to pass this without an EIR. Mr. Foley replied affirmatively, and Ms. Thompson objected.

Judith Bang said that in her review of the environmental checklist, she could see that it was written by land-oriented people. She felt that there should be many more items checked, particularly as regards dredging. She said this problem, alone, is enough to require an EIR. She disagreed with B-2, B-3, F-1-2. She said that she had yet to hear at any of the relevant meetings from anyone who had a boat and say they do not want this area to be under special federal jurisdiction.

Ms. Bang advised that another very specific item of the Specific Area Plan is that each constituancy that borders on Richardson Bay should come together to decide what kind of public services are needed. She said that all of the people that have boats have said that they want federal jurisdiction. She also added that the sewer plan in Sausalito cannot take any extra sewerage, so a "yes" under K should be checked. On the whole, she said, she was unsatisfied with the evaluation of environmental impacts checklist and felt many more items should have been checked "yes."

Mr. Sam Vehy, a sailor, said that he saw this issue as one of the most "colossal snow jobs" ever perpetrated in the history of Marin County. He added that if ever there was a situation that required a mammoth EIR, this was it. He described with the aid of the aerial photograph the intense

development reaching all the way across the Sausalito waterfront, and pointed out that there was nothing going on in Belevedere, Mill Valley or Tiburon. He said that the affect of the Special Area Plan is going to completely change the nature of the Richardson Bay; it will, he said, change the livelihood of hundreds of people, the cultural values of hundreds of people and displace hundreds of people. He begged the Commission to require an EIR.

Chairman Fancher asked Mr. Foley what would happen if they did require an EIR, and Mr. Foley answered that they would hire a consultant to prepare one, and the City would have to pay for it.

Commissioner Wilson asked who was the lead agency in all of this, and Mr. Foley responded that the Planning Commission was. He said all of the agencies are being asked to adopt the Special Area Plan and are also asking questions about EIRs. He said that all of the cities in the County and BCDC have to adopt the plan, and that there is a committee made up of representatives from these agencies.

Commissioner Politzer asked if the Commission were to ask the above agencies that this plan have more investigation and, therefore, require an EIR, then would not the onus be on that committee to show the Commission why the City of Sausalito would participate in such a plan. Mr. Foley and Chairman Fancher assumed that it would. The Council, however, could overrule the Commission and say an EIR is not required.

Ms. Allison advised that this plan was mainly written by Al Aramburu and BCDC. She was sceptical over this authorship. Again, she wondered how "office" people could write a plan telling sailboats how to live, how to move, how to sail and how to float.

Chairman Fancher asked if there was any sentiment on the Commission to approve a negative declaration, and there was none.

Commissioner Nolan stated that he had read through the evaluation of the environmental impact and could not believe the responses. Mr. Foley said that the technical reports would have better clarified the issues. Commissioner Nolan responded that the technical reports would then be wrong.

Chairman Fancher entertained a move to recommend to the City Council that an EIR be prepared prior to the approval of the Richardson Bay Special Area Plan. He said that he would like the Council to agree with the Planning Commission and say to the group that put the plan together that the Commission would not participate unless an EIR is obtained.

Mr. Foley suggested that the Commission should just say that an EIR is required without addressing who would prepare it, who would pay for it, etc.

Commissioner Wilson made the motion, seconded by Chairman Fancher, to recommend to the City Council that an EIR is required prior to accepting the Richardson Bay Special Area Plan.

Vote to determine if an EIR is required:

AYES: Commissioners: Wilson, Chairman Fancher, Nolan, Politzer

NOES: Commissioners: None

Further discussion of the Special Area Plan was continued to July 5, 1984.

SAUSALITO

MINUTES: CITY COUNCIL MEETING: 7-3-84

CONSENT CALENDAR

At the request of Mayor Peltz, there was discussion of the Planning Commission action to require an Environmental Impact Report on the Richardson Bay Special Area Plan. There was discussion of the fact that the Planning Commission had seen only the negative declaration prepared by the County of Marin and not a more extensive negative declaration being prepared by the Bay Conservation and Development Commission and that the Planning Commission should perhaps reconsider their action based on the fact that they did not have adequate information. Staff advised that the Plan had been set for public hearing before the Council for their meeting of July 10th. It was the consensus of the Council to defer their review until the Planning Commission had acted on the plan, which would probably not occur before the first Council meeting in September, after the August Council recess.

Councilwoman Sweeny moved, seconded by Councilwoman Peltz, to send the question of an Environmental Impact Report on the Richardson Bay Special Area Plan back to the Planning Commission.

AYES: Councilmen: Sweeny, Peltz, Taber, Huntting, Mayor Rogers

NOES: Councilmen: None

SAUSALITO
PC MTNG OF 7/5/84

NEGATIVE DECLARATION
RICHARDSON BAY SPECIAL
AREA PLAN

Chairman Fancher opened the hearing on the negative declaration prepared for Planning Commission consideration of the requirements of the California Environmental Quality Act as they apply to the proposed adoption by the City of Sausalito of the Findings, Policies and Maps contained in the Richardson Bay Special Area Plan.

This plan has been prepared as a joint project of the San Francisco Bay Conservation and Development Commission (BCDC), the County of Marin, and the cities of Sausalito, Mill Valley, Tiburon and Belvedere.

Chairman Fancher explained what the issue for this matter was for this meeting. At the previous meeting, the Commission voted to require an EIR on this plan before the Commission would consider it. The Planning Department, at that meeting, had not given the Commission complete information, and it was felt that if the Commission had had that additional information, it might not have voted the way it did. The City Council was asked to ask the Commission to reconsider its vote on the EIR. The Council did ask, and, therefore, this hearing was to reconsider whether or not an EIR should be required prior to the City Council approving or not to participate in the Richardson Bay Special Area Plan.

Chairman Fancher advised that on this date, the City Manager suggested that the Commission not take a vote at this meeting on the EIR. Mr. Foley said that the reason for this suggestion was that the notice published sometime ago for this meeting referred to an environmental initial study that was prepared on a certain date in June by the County Staff. The initial study that was being reviewed at this meeting was not prepared by the County Staff and was prepared in July, so it was decided to correct the legal notice in the newspaper and renotice it for July 25, 1984, and then have the Commission take any further action they might want to take on that date. Mr. Foley suggested that there still be a discussion and an indication of voting intentions, and staff would prepare a resolution for the Commission's review with all of the findings, etc. This would allow time for the renoticing of the hearing and allow time for any additional work that the Commission thought would be necessary if the initial study should need modification.

Mr. Foley commented that the reason for the defect in the legal notices was that the hearings were being advertized before previous actions took place so that they could be on the Council's agenda for action in July before the Council took their August recess. It was now impossible for the Council to take action in July, so there was not as much of a time constraint on this issue. Mr. Foley added that he hoped the Planning Commission would take an action in July on the environmental clearance and proceed in August or September on the plan. After the Commission acts the issue will then go to the City Council.

Commissioner Politzer asked to have the vote in September so that he would be present to vote. Chairman Fancher said that if they set the vote in September, so much time would have elapsed from the discussion to the vote that the whole thing would probably need to be discussed again. Mr. Foley advised that the City Council could not take any action until September, but that they were hoping the Commission could act in July. Commissioner Politzer suggested, however, that with controversial decisions, there should be an attempt to take action when all of the Commissioners are present.

Mr. Foley introduced Carol Williams from the County Planning Department and Jeff Blanchfield, the Planning Director for BCDC. Mr. Foley reported that after the Planning Commission required an EIR on June 20, staff sent out five technical reports to the Commissioners. The titles of these are: Water Quality, Aquatic and Wildlife Resources, Status of Shoreline and Water Uses, Sediment Hydraulics, and Regulations Reports. These reports were prepared by BCDC and their consultants. They were available but were not sent out previously, because staff did not realize that the Commission would want to review them.

Mr. Foley reported that staff had also discussed and reviewed further the negative declaration and initial study that had been prepared by the County with Mr. Blanchfield from BCDC. It was then decided to prepare an expanded initial study to see if they could address more completely the issues that had been brought up at the June 20 meeting of the Commission along with other potential issues that may be brought up on the plan in the future. This expanded study is titled, City of Sausalito Component of the Richardson Bay Special Area Plan; Preliminary Environmental Review and Initial Study. This document was also distributed to the Planning Commission.

The five technical reports address environmental issues that have been raised during the public meetings of the steering committee and the advisory committee who helped prepare the Richardson Bay Plan, itself. The new initial study uses those technical reports frequently with many references.

The initial study that was before the Commission at this meeting, advised Mr. Foley, has six parts, references and figures. It includes Part I, Introduction; Part II, Sausalito Jurisdiction; Part III, Project Description; Part IV, Environmental Setting: Water Areas, Shoreline Areas, Marshes and Upland Habitat; Part V, Environmental Effects of the Project, and Part VI is Report Preparation.

Mr. Foley mentioned some of the highlights in the new initial study as follows: In Part I, it references the fact that there is an increased demand for pleasure boats, marine development and house boats, and that there are many vessels and structures in Sausalito waters that are used primarily as residences. It is felt there is a need for a unified set of planning policies in regulatory control. The jurisdictions that have participated in the preparation of this document are: Marin County: the cities of Sausalito, Mill Valley, Tiburon, Belevedere; and the state agency Bay Conservation Development Commission. There was a steering committee appointed which had representatives of the above local agencies and also an advisory committee appointed. Both committees have had numerous public meetings and hearings on this plan prior to the consideration of the Planning Commission. The primary responsibility for carrying out this Special Area Plan rests with local government.

Part II of the report refers to the fact that Sausalito's waterfront is very mixed, including commercial and sport fishing, the largest number of pleasure boat marinas in the San Francisco Bay and a houseboat community. It includes the Marinship Area where there are warehouses, offices and boat supply facilities, commercial fishing and more houseboats, among other uses. This part describes why Richardson Bay is such a popular place for boating with the protection from strong winds and the fact that there is a lot of deep water. It describes the number of berths in Sausalito as 1656 existing berths for pleasure boats, four houseboat marinas in Richardson Bay including the one in Sausalito, the

nine houseboats at Sausalito Yacht Harbor that have been permitted since 1976. Since 1978 there has been a houseboat zoning district. There is as excerpt from the Sausalito General Plan and Sausalito Zoning Ordinance which refers to the houseboat district being the only zoning district in Sausalito where houseboats are allowed, though they do exist in several other zoning districts.

In Part III is the project description. Mr. Foley advised that it is very important to understand that the project that is being considered at this meeting as to whether or not there should be an EIR prepared, is a portion of Part I and Part II of the plan, and it is only those portions that would apply to the area within Sausalito. If the Special Area Plan is adopted, it would be, essentially, an adjunct to the Sausalito General Plan and would apply to all of the water in the City limits and the first one hundred feet of shore.

In Part IV there is a lot of detail with respect to marine environment, estuarian environment, channels, basins, rocky shore, sandy pebble beach, mud flats, marshes, artificial structures, tidal marshes and bank marshes plus the upland habitat.

Part V is the most important section for the Planning Commission's consideration. It describes the environmental effects of the project. The conclusion of this section is that the project is a further specification of the the Sausalito General Plan policies and land use regulatory control that will have no significant environmental impact if approved and that there is no mitigation, in addition to that, incorporated into the project that is even necessary. This is a conclusion that the staff, BCDC, the County and the City have made based on these initial studies.

The following portion of this section is the environmental checklist. This list is used by the City for all of its projects. Staff went thought the list and indicated a number of areas where it was thought there could be an environmental impact. The first one, page 25, refers to discharge into surface waters or any alteration in surface water quality, including but not limited to temperature, dissolved oxygen or turbidity. On page 27 it discusses population and whether the proposal would alter the location, distribution, density or growth rate of the human population of the area. Under "Housing," will the proposal effect existing housing or create a demand for additional housing. Under "Transportation and Circulation," will the project proposal result in effects on existing parking facilities or a demand for new parking. Under "Public Service," will the proposal have an effect on or result in a need for new or altered government services in any of the following areas, and staff checked fire and police protection, schools and other governmental services. At the end of this checklist is a staff evaluation that the proposed project would not have a significant effect on the environment and a negative declaration will be prepared. Following this is a discussion of each of the items checked on the checklist: discharge, population, housing, parking, services, and a separate list on compatibility with existing plans and zoning which relates to what the Sausalito General Plan and Zoning Ordinance say about this area of the Richardson Bay.

Part VI identifies the people that prepared the report: Jeff Blanchfield and Margit Hinds of BCDC and Michael Foley from the Sausalito Planning Department. At the end of the report is a list of some ten references that were used in preparation of this initial study.

Mr. Foley summarized by saying that it was the staff's position that with the additional information, the five technical reports and the expanded initial study, it would be possible to grant a negative declaration or to say that the project, the Richardson Bay Special Area Plan, will not create a significant and adverse environmental impact. It is not, in staff's opinion, necessary to have an EIR prepared. He reiterated that the Planning Commission had been asked by the City Council to consider whether this additional information could convince the Commission that an EIR does not need to be prepared.

Mr. Tom Gordon, who lives on an anchor out at Gate 5, stated that he felt there was a need for an EIR for more information. He added that an EIR would show, among other things, low income housing and where people go when there is no place else to go. He said that the people who are anchor outs are there because they cannot afford to pay rent elsewhere, that he, himself, could not have a house any other way.

Ms. Gamble advised that there was an extensive EIR prepared by Earth Metrics, Inc. which brought up the fact that the anchor outs were illegal, and she did not know why this was being addressed. She said that Sausalito is not enforcing its laws.

Judith Bang who lives on a sail boat, said that the above use was not illegal, and that the issue of pollution and where it really comes from should be addressed.

Mr. Wally Mays ask if the EIR was only for the limits within the City of Sausalito. Mr. Foley said that it was, and that the other five jurisdictions all have areas that they are deciding whether or not an EIR is necessary.

Commissioner Politzer said that it seemed to him that if this report were put together by at least four jurisdictions, an EIR expense should be borne by all. Mr. Blanchfield agreed that this was a logical way of handling this situation, but he said it still comes back to each jurisdiction; that the Commission is the lead agency for what this city is doing and what is proposed is the changing of Sausalito, so each jurisdiction must look at the Special Area Plan in light of the impact on their own city.

Chairman Fancher suggested that while may be presumptious of the Commission to require an EIR on the entire plan area, it is the prerogative of the Commission to do so.

Commissioner Scott could not understand how there could be an impact on Sausalito, for example, that would not impact Belvedere or Tiburon. He said that to only focus on Sausalito, itself, is myopic.

Mr. Blanchfield stated that it was important to realize that this plan was done as a unified process, for it was understood that what had an effect on Sausalito had an effect on the other jurisdictions.

Commissioner Politzer advised that should the Commission require an EIR the City of Sausalito would be bearing a great financial load.

Ms. Williams stated that each jurisdiction has to come to their own decision about the need for an EIR.

Commissioner Politzer stated that all jurisdictions are looking down on the same body of water, but Ms. Williams said that Sausalito could look at the same document and make different conclusions.

Chairman Fancher advised that everyone keep in mind that if an EIR is advised, there will have to be a decision as to what area would be involved, the whole area or just Sausalito.

Mr. Blanchfield said that the basis of the report is an environmental analysis and all background reports were geared upon looking at the environmental information and impact. He said that the report is almost as detailed and could function almost as an equivalent to an EIR.

Mr. Mays advised that all of the issues raised by CEQA have been addressed. He felt that there was a misconception at evey meeting on the general anchorage that is being taken away from people. He said that could very well be, but that it is done in the form of property that is in private fee title. The City, he said has given permits for private yacht harbors which are in the areas that others address as general anchorages, and they are gone.

Mr. Mays, in addressing the environmental impact, said that what is left to address is nothing but the channel that comes through. None of the things that have been given permits would function unless there were a channel. He said that the Special Area Plan addresses itself primarily to the environment of Richardson Bay; that this was one of the big points of it. He said that there is an attempt to get a private beach, to sustain a beach at Valley Street and that to put in a discharge place would improve the environment, not a detriment. He could not understand why the Commission was going to require an EIR on a plan that primarily addresses CEQA and its requirements.

Clayton Smith said that it seemed to him that what was being addressed here was that common sense would prevail over spending unnecessary funds from the already limited budgets of the cities. He did not want the Commission to avoid making a political decision by requiring an EIR.

Allison Thompson advised that the water quality background report that was written for the Special Area Plan stated that residential and liveaboard houseboat vessels contributed four per cent to the entire pollution of the entire Bay. She wondered from where the other ninety-six per cent came. She objected to the open water section on page 34 of the newest document which says, "...that open water shall be used for boating activities, including the following facilities for recreational cruising craft: anchorages, moorages, dolphins, buoys, small boat docks and piers."

Ms. Gamble said that the whole problem was that more of the Commissioners did not go to more of the meetings of the Special Area Plan, and that they did not have all of the latest information given to them sooner. She said they would have then known that it was, in effect, an EIR that was being prepared at those endless meetings.

Ron Sikes said that if the 150 people who are living on the Bay came to shore that that would certainly create an environmental impact.

Annie Hallatt, a member of the advisory committee for this project, said that one serious element had been left out of the findings in this report; the human resource element. She said that there are catagories of public access, navagational channels, etc., that indicate aspects of human interaction with the environment, but as a complete and comprehensive overview there is not really a section for humans. She described and read some of the concerns in the report for fish and plants. She felt it would be appropriate to consider human disturbances and pressures on humans whose lives are water allied; many of the smaller houseboats and liveaboards are the most likely to be displaced by the Special Area Plan. She said that fisherman, boatbuilders and other maritime craftspeople also, along with the fish and wildlife, need habitat protection. She said that as in the plant and animal world there are those humans for whom the waterfront is a natural context. She said that when discussing this issue with BCDC they were surprized to realize that many of the maritime service people really cannot live off of their boat and still provide service, that it is a comprehensive and integral lifestyle of work, workplace, residential use and recreational use in one area, an unique and antique lifestyle. She said that most modern-day people do not understand this living and working in the same place. She concluded that Richardson Bay is not only a place to play, but a place to live and work. She was especially concerned with those uses that are compatible with the public trust uses of the waterfront: navigation, commerce and fishing. None of these issues are addressed in the report. She said that the Earth Metric report had been accepted but never acted upon, but it does provide the cohesive point of view that is needed on the waterfront to survive the transition from the past to the future. She felt that spending money on more reports is not problem solving, and she would rather take the $80,000 that Buck donated and build a pumpout facility on the end of the Army Corp Pier and be done with sewerage pollution in the Bay.

Mr. Bill Whittaker said that he was in complete support with the BCDC but

took exception on page 34 of the new report which seems to be in conflict with the principles of BCDC of protecting the Bay water from further fill, and also the public trust. He did not feel an EIR was necessary unless it would solve this kind of problem. It seemed to him that BCDC was trying to accommodate everyone.

Susan Frank added to what Ms. Hallatt said by saying that in looking over the report with specific attention to the Sausalito waterfront where people live and work, as opposed to Tiburon and Belvedere, that this issues needs to be addressed. She added that Sausalito is a unique case of waterfront use, and that the Special Area Plan does not address the issue of the human habitat. She added that in looking over the newest edition of the Maritime Service Directory it was discovered that about 30% of the people who provide maritime services are currently threatened with dislocation from the waterfront because of this plan. There is no discussion in the plan on how to solve that problem. She also felt that the use of the Earth Metrics, Inc. study may be a very effective way to deal with the EIR as opposed to spending a lot more money. She said Earth Metrics does address the issue of the human habitat on the Sausalito waterfront. She attended a conference in Washington, D.C. last year that had an interesting perspective on working waterfronts where they did a case example of Portland, Maine, which is enacting new zoning to preserve their working waterfront. She read as follows: "Portland's waterfront is a working waterfront. It is a waterfront filled with economic activity that is dependent upon its location for its very existence. Displacement, dislocation and gentrification of the traditional working waterfront would have been a tragic mistake." She urged the Commission not to have a full-blown EIR, but to take a look at a study like Earth Metrics, and to definitely add to the Special Area Plan the human resources, because even in terms of the public trust, the public trust is defined by public needs. In Sausalito, she said, it is urgent to look at that issue whether or not the houseboats or the working waterfront are kept--that is not the issue, but that the houseboats are there and the waterfront is working now; there is a chance to keep it this way or change it. She brought up a New York Times article, titled "A Harbor That is too Classy for Boats." This artical is about Boston Harbor where it talks of what occurred here when the environmental impact of the people who worked here, particularly the lobstermen; these people are losing that industry, and the waterfront is no longer a waterfront; the lobster boats are considered an eyesore and a negative impact on the view.

Bill Phillips said that he had gone to every Special Area Plan meeting except one and asked the Commission to require an EIR. He felt the reports of the plan were inadequate. He said that draining the pond would be disasterous; parking would be legal on paved fill, the drainage from the oil and gasoline spills would be an environmental disaster. He said that the navigation was good as it is; the shoal on the northside is well-marked; that the establishment of narrow channels would limit navigation in general, not improve it. He was in favor of compost toilets or portable toilets which most of the boats anchored now have, and many of those vessels do not have engines, and, therefore do not dump oil in the water.

Ms. Perry stated that at the last meeting of the BCDC on June 28, 1984, the Sierra Club commended the plan, and they were pleased with it. The League of Women Voters, the Marin Conservation Group, Ms. Salzman of the Audobon Society were at this meeting and all recommended that the plan be adopted.

Mr. Mays said that his understanding of this plan was that it was not a plan to build anything but a plan to help coordinate the area of the five jurisdictions: Marin County, Belvedere, Mill Valley, Tiburon and Sausalito. He said that no one is telling them what to do in Sausalito, but that the plan was designed so that what they did do would fit in and work with the rest of the area. He felt that the concept of the plan was a good one.

Mr. Gordon said that the whole Special Area Plan started about twelve

years ago when they decided they wanted to get rid of the houseboats.

Ms. Gibson wanted to reinforce what was said by Annie Hallatt and Susan Frank about the necessity of being concerned with having sufficient information about the working waterfront. She hoped that there could be a way to have a special zone for these uses.

Commissioner Wilson said that in looking at the checklist and a review of the plan, he concluded that there might be an incipient redevelopment project or urban renewal plan taking place. In going through the documentation on the justification of the plan, he found a fantastic amount of information on Richardson Bay, well done, excellent data on the flora and fauna, but he was concerned about an unknown number of people and an unknown number of houses. Without information pertaining to these questions, he was reluctant to go any further on this process. He said that adoption of this plan with its policy statements such as all anchor-outs should be removed from Richardson Bay, is a dramatic implication in his mind. He added that whether they should or should not be there is not the question, but that the relocation of these people and the fairness issue is the question He would vote, at this point, to either require an EIR or a relocation study of information that would prove to him that the Community is resolving all of these problems, not just the problems of the viewers from the hills or the problems of the sailboaters.

Chairman Fancher agreed. He found the plan very informative on the physical environment of the Bay, but was concerned that none of the technical reports addressed the impact on the human population. He said that if this could be done without an EIR that would be fine, and that from now until this item is heard again, the City Planning Department could take time to give these matters more consideration. He said that if they were to vote tonight he would, in no way approve this project on a negative declaration basis.

Mr. Foley advised Mr. Wilson who came on to the Commission after the Earth Metrics report was reviewed that this report is referenced in the initial study and was used to prepare parts of that study. He asked if the Commission had reviewed this report and added that it had the most amount of information of all of the reports.

Commissioner Wilson said that what bothered him, however, was that the report was not part of the process that made up the recommendations of the Special Area Plan. Mr. Blanchfield said that this was not so.

Ms. Williams said that they were addressing an environmental checklist which follows the guidelines of CEQA which deal with the effects upon the physical environment not upon the social environment. CEQA, she said, is not charged with addressing the economic and social environment.

Chairman Fancher said that this is a very fine line. He added that the Commission may not require an EIR, and that an EIR should not be used to delay a decision. He said the Commission would make a decision, but they must have further information, whether it is in the form of an EIR or not did not matter to him.

Mr. Blanchfield stated that it is not true that the human element was not looked at. He suggested that in the legal analysis and the regulations report it points out that the Special Area Plan says that the working waterfront of Sausalito should be retained. He added that living on the water was the question; that it is illegal under Sausalito law. The fact that Sausalito does not enforce its code is the situation, but that legally there are no rights for living on the water. He said that the plan does acknowledge that there may be some equity questions, and that is why the plan says that government should take reasonable steps to accommodate them as best they can within the legal constraints under which government must operate. That is why it is recommended in the plan, he said, that facilities be provided in existing and new recreational marinas to accomodate as many residential floating structures as possible. He agreed that this would be difficult, but so far, was the

only legal possibility.

Commissioner Wilson said that the documents that he had read still do not mention the problem of the people. He said extensive work was done on all variety of subjects, but the conclusions of the report seemed to relate to people, and the implied objective of the study seemed to be to rid the Bay of the house boats. He did not disagree with this goal. However, if this is the goal, he would want to know that and what effect it would have on the people involved.

Commissioner Politzer said that he had a lot of problems with the report. He said that the report talks a lot about people, but it just takes them and moves them from one place to another without any consideration of the effect it would have on them or the waterfront. It seemed to him that the report was written with a preconceived idea in mind, and that the five reports were written from a specific perspective, a perspective that is above sea level, specifically from the hills of Sausalito, Belvedere and Tiburon. He felt that the reports show a marked lack of sensitivity about the people who live and work on the water. On the checklist, item 11 on population, he found it amazing that there was a "maybe" checked on the location of the population. He said that the cultural effect on Sausalito of this plan also bothered him, using the example of the recent Fourth of July parade as opposed to other such parades, showing him that the City is losing its former color; that there is a chance of destroying the very atmosphere that attracted most of the people living here. It seemed to him that the report was prepared with the intent to develop a common denominator that would make the waterfront uniform in character. He said that he would not like the waterfront of Sausalito to look like the waterfront of Tiburon or Belvedere. He stressed again the uniqueness of Sausalito and its waterfront in all of the United States, and before anything more is done there should be a thorough analysis of what makes it unique. He did not want it to look like Marina Del Rey.

Commissioner Politzer advised that he did not want to see an EIR. He asked if it would be possible, rather than having an EIR, to get a sixth report addressing the concerns that were brought up at this meeting by himself and others, and then with the material collected in that report revise the summary that the Commission received to better reflect the needs of the people who are here--perhaps "grandfathering," or the provision of some facility that does not make them conform to the way he or others live.

Mr. Blanchfield said that he had no problem with that, but for him the report was not an issue, looking at it from a technical point of view. The question, he said, is what can legally be allowed.

Commissioner Politzer interupted Mr. Blanchfield by saying that on page four of the Special Area Plan, under anchor-outs, it says, "All anchor-outs should be relocated in marina facilities. If they cannot all be accommodated in marinas, anchor-outs should be restricted to certain designated anchorage zones in Richardson Bay where appropriate facilities would be made available."

Mr. Blanchfield stated that this statement was not included in the plan. He said that from BCDC's standpoint they could not change the zoning laws to have residential uses; that it could be a violation of public trust. What they tried to do, he said, was to find other ways to accommodate these people.

Commissioner Scott addressed the issue of legality of the waterfront and how this was going to be changed. He wondered about item #11 on the checklist and how this question could be checked as a "maybe no;" that it would have to be "yes" or at least "maybe yes." He stated that the most important consideration is the impact of projects on the existing dynamic that is part of Sausalito.

Chairman Fancher agreed that the reports were inadequate for him when it came to the human element.

Special Meeting

SAUSALITO PLANNING COMMISSION

September 12, 1984
7:30 p.m.

APPROVED & CORRECTED
****

MINUTES

CALL TO ORDER

Chairman Fancher called the special meeting of the Sausalito Planning Commission of September 12, 1984 to order at 7:34.

ROLL CALL

PRESENT: Commissioners: Nolan, Scott, Wilson, Chairman Fancher

ABSENT: Commissioners: Politzer

ANNOUNCEMENTS: PRESENTATIONS
OF ORAL REPORTS

The Assistant Planning Director, Katherine Arnaudo, gave the following report on the City Council meeting of September 11, 1984: The review of the #6 Bulkley redevelopment project resulted in a 3-2 vote of approval of the two-unit development plus the encroachments. The appeal on the denial by the Planning Commission of a variance for an expansion at 666 Bridgeway was denied on a 4-1 vote. An awning appeal was granted on a 4-1 vote. The continuing hearings on a resolution to grant a conditional use permit for Zach's Harbor resulted in a continuance to the next regular meeting of September 18, 1984. There was no action on the status report on the Marinship Specific Plan since the Council ran out of time. The last item reported was that an architect was selected for the Senior Center remodeling project.

HEARINGS

NEGATIVE DECLARATION
RICHARDSON BAY SPECIAL AREA PLAN

Chairman Fancher opened the public hearing on the negative declaration prepared for Planning Commission consideration of the requirements of the California Environmental Quality Act as they apply to the proposed adoption by the City of Sausalito of the Findings, Policies and Maps contained in the Richardson Bay Special Area Plan.

Ms. Arnaudo advised that staff proposes, if possible, that the Commission concludes its initial study and make a final environmental determination, namely, whether the negative declaration and all of the environmental documents prepared for the Commission are adequate to consider some advisory recommendation to the City Council on the Special Area Plan, or whether there still may be substantive areas of environmental concern which have not been adequately addressed that require preparation of an environmental impact report. Ms. Arnaudo said that the main document in front of the Commission at this meeting was the report by Martha Mc Cart, the consultant to the County of Marin. The document is called Sociological Impacts of the Richardson Bay Special Area Plan, and has not, heretofore, been reviewed in public hearing.

Ms. McCart gave the following report: In response to the Planning Commission's request in July, the above document was prepared. It consists of about twenty pages of material and is an addition to the

initial study that was prepared by the Planning Department on the general impact of the SAP. This document considers the human impact of the plan, and lists some significant impacts relative to human environment. CEQA had stated that there were not significant impacts as defined by law in terms of the human environment. However, Ms. McCart felt that her staff did feel that there were some issues raised that were not minor. Each policy contained in the SAP were looked at and summarized the potential impact of that particular policy, including aquatic and natural wildlife, water quality, residential vessels, floating structures, dredging, spoil disposal, hydraulics of the Bay, marsh restoration and public access. There are some fifty policies in the plan. The list that evolved is as follows: the advantages of the plan are improved public shoreline and water access, improved water quality for recreational uses, improved navigational conditions, improved fishing, improved water quality and habitat, and the removal of vessels which are now used in violation of public trust uses. The disadvantages that were decided upon were that there would be some dislocation of boats and the residents there which are now anchored out and berthed in non-permitted marinas. There would be some additional costs to the implementing jurisdictions for the enforcement of the policies contained in the plan, and the plan does reinforce existing policy limitations concerning additional development, water uses and the locations of certain uses in the shoreline areas--not adding anything but reinforcing those items. Ms. Mc Cart said that the plan does not contain any new restrictions on land or water use that do not already exist.

Ms. McCart said that her staff had looked at some mitigation measures including housing assistance programs which might be available to help with relocation of displaced residents. At this time the staff is looking into a mitigation for the additional costs in the form of meeting with the managers of the four cities and the County administrative staff on the question of implementation of the plan and who and how it will be paid. It was not felt that enforcing the existing regulations through the policies contained in the plan required any particular mitigation in that it would be up to the local jurisdictions and the County as to how far they want to take the recommended policies of this plan in terms of their own enforcement and in relationship to their own general plans and regulations. Ms. McCart concluded by saying that there are some mitigation measures suggested to help with the minor impacts.

Commissioner Wilson commented that he was very pleased to have this document; that it was the missing ingredient of the plan for him.

Carol Williams of the Marin County Planning Department and co-ordinator of the plan with the Marin County Supervisors, advised that although the CEQA format was used for the above document, it is really outside the scope of CEQA, because the document refers to the sociological and economical impacts rather than environmental impacts. Therefore, it is outside of the scope of the environmental review. It was prepared as an informational piece for the Planning Commission.

Mr. Robert M. Strebeigh asked to speak about the project rather than about the EIR. He advised that he had gone through considerable effort to be at this meeting. He read the following report:

> My name is Robert M. Strebeigh. I have been a resident of Sausalito for about 35 years.
>
> I speak tonight for more than 200 families in the Classic Yacht Association and nearly 800 families in Bay Area Boaters. These 1,000 families share the alarm of the many Sausalito residents who perceive a clear and present threat to this city, to the entire boating community and to a wholesome form of family recreation.
>
> That threat is presented in two documents prepared by the staff of the Bay Conservation & Development Commission under the supervision of Commissioner Albert Aramburu of Tiburon. Those documents are: the staff's "Report on Houseboats and Liveaboards" and the "Richardson Bay Special Area Plan." Both are in city government hands, and I hope both have been made available to you.

It is very important that you be able to examine both as you seek to evaluate the social and political implications of the special area plan.

A determined effort has been made by Aramburu and his staff to prevent your doing so. They know that the staff report--which provoked an unprecendented storm of protest in Sausalito on August 18th, last year--is doomed. They know that no self-respecting public body would adopt a piece of work that has been shown to be so shoddy, so terribly flawed. And they know that all the reasons for killing the staff report apply with equal force to the special area plan.

That is why, when the storm broke last summer, Aramburu persuaded his fellow commissioners to postpone further hearings and action on the staff report until after they had conducted hearings and action on the special area plan. The well-deserved death of the report would have doomed its Siames twin, the plan.

As a result, the staff and Aramburu have been able to withhold from the commissioners all public criticism of the report on house boats. I have here, and will leave with you tonight, two scholarly and devastating pieces of public comment that Aramburu would rather you not see.

The reason for all this trick maneuvering is that the special area plan is not what it purports to be. It is not intended to improve water quality in Richardson Bay. It is a document whose origins and ends are entirely political. Mayor Diament of Alameda summed it up in a letter to the BCDC: "The City of Alameda views the proposed policy as another attempt by BCDC to usurp local land-use regulations."

That political scheming is plainly shown by the makeup of the steering committee Aramburu created to produce the plan.(4) It is utterly deceitful for anyone to pretend this plan is the work of the four Richardson Bay cities and the county. Five of the eight persons on Aramburu's committee were either members or alternante members of the Bay Conservation & Development Commission. Almost all of the work was done by the BCDC staff.

How can anyone say that the City of Sausalito helped draft this plan, when its only representative was an alternate commissioner who never sought the city council's views and never told the city council what was going on? Since when has any one public servant had the right to claim to be "The City?"

The result of the packing of that steering committee is a plan that gives BCDC, Belevedere, Mill Valley, Tiburon and the county a strong say on development and use of Sausalito's waterfront. It gives Sausalito nothing. As a matter of fact, at a recent meeting of the Belvedere City Council, Margaret McCart, the consultant to Aramburu's steering committee, assured Belvedere that the City of Sausalito and the county had agreed to bear "the lion's share" of the $104,000 annual cost of enforcing the plan.

If Sausalito goes along with this scheme, it will set a terrible precedent for cities, harbors and marinas all over the bay and delta. It will greatly extend BCDC staff powers, legitimizing permit power that the staff is presently illegally exercising. I'm leaving with you a Coast Guard summary of those improper activities.

The entire process, in which this plan was concocted, was awash with deceit and self-interest from the start. Among the most glaring misrepresentations were Commissioner Aramburu's repeated assertions that his plan would have no effect on liveaboards and the boating community. Those assertions were exposed in news-papers and magazines throughout the Bay Area as a tissue of lies.

But far more serious, subtle and difficult to unmask were the machinations of the BCDC staff, a performance so outrageous that Latitude 38, in a recent editorial, called for dismissal of the staff.

Pursuing its political goal of control of municipal waterfronts and Bay Area harbors, anchorages and marinas, the BCDC staff fabricated an environmental problem that does not exist, for which there is not one shred of scientifically acceptable evidence: pollution of the bay by the boating community. I am leaving with you this evening the text of research chemist Robert Olson's critique of the special area plan as presented by him to the Bay Conservation & Development Commission.

In that critique, Dr. Olson explains why the water quality research of 1973 and 1981, on which the BCDC staff relies, is worthless, no only for purposes of comparison but in itself. What is shocking is that this and many other shortcomings of the staff's underlying research were presented to the staff in the Pacific Inter-Club Yacht Association's February response to the staff report on houseboats and liveaboards. Not only has the staff ignored this and other constructive criticism, it has--as a result of Commissioner Aramburu's manipulation of the hearing process--been able to withhold that PICYA response from the other commissioners.

A perfect example of the staff's readiness to misrepresent facts, if that will help its case, is the repetition in the special area plan of the false statement that "coliform bacteria can transmit disease to humans," a falsity that was pointed out to the staff last winter during steering committee hearings on the plan.

But if the staff is willing to bear false witness, it is equally ready to ignore any damaging truth. So staff ignores painstaking research by British scientists who show beyond the shadow of doubt that the coliform bacterial count--on which the staff relies--cannot prove the presence of human waste, because the volume of fecal coliforms produced by waterfowl is so much greater and the ration of fecal coliforms to fecal strepticocci is so much higher than man's. I am leaving with you this evening a copy of that research and two related letters to the Marin Audubon Society and the county health department.

I am also leaving with you copies of the Coast Guard's objection to much of the staff's proposals as violating federal law, a copy of Bay Area Boaters' statement of its views on the issues raised by the special area plan, and a list of many important water-oriented agencies and organizations, no one of which has approved the BCDC staff's proposals. Indeed, I assure you that if you take the trouble to call every marina operator or harbormaster from San Jose to Stockton you will not find one that will say one kind work about the BCDC staff and its work.

An example of this staff's arrogance is that it has scheduled a vote on this plan at the BCDC's first meeting in October, in spite of commission promises not to act until it has heard from the City of Sausalito.

I respectfully request that the text of my remarks and the accompanying footnotes and appendices be made a part of the record of this hearing.

And I respectfully urge that this commission reject the plan and ask the city council to appeal to the BCDC not to adopt it as an amendment to the San Francisco Bay Plan. Thank you.

Ms. Barbara Salzman, representing the Marin Audubon Society, said that the Society does support the SAP; that it will have benefits for people

NEGATIVE DEC
RICHARDSON BAY SAP

Vote to accept the negative declaration:

AYES: Commissioners: Nolan, Scott, Wilson, Chairman Fancher
NOES: Commissioners: None
ABSENT: Commissioners: Politzer

The hearing on the proposed adoption of the Plan was continued to the regular meeting of the Planning Commission of October 3, 1984 to allow for the ten-day appeal period which will expire on September 19, 1984.

Ms. Arnaudo advised that the City Manager directed a letter to the BCDC staff on September 11, 1984, requesting the Commission, if possible, to continue their schedule to vote on the plan and adopt it to at least the second meeting they have scheduled for October.

ADJOURNMENT

There being no further business, Chairman Fancher adjourned the special meeting of the Planning Commission of September 12, 1984. The time was 8:35 p.m.

Respectfully submitted,

Miriam Ellingson
Recording Secretary

EXCERPT FROM MINUTES: SAUSALITO PLANNING COMMISSION 10-3-84

RICHARDSON BAY SPECIAL AREA PLAN

Chairman Fancher opened the public hearing on the proposed adoption of the Richardson Bay Special Area Plan, April 1984, by the City of Sausalito. The Plan was prepared as a joint project of the San Francisco Bay Conservation and Development Commission (BCDC), the County of Marin, and the cities of Sausalito, Mill Valley, Tiburon and Belvedere.

Chairman Fancher announced that it was the role of the Planning Commission on this matter to determine whether it wants to recommend to the Sausalito City Council their participation in the Plan.

The Planning Director introduced Martha McCart, the consultant to the County of Marin, Carol Williams of the Marin County Planning Department and co-ordinator of the Plan with the Marin County Supervisors and Jeff Blanchfield from BCDC. They were available for questioning.

Mr. Foley presented the following information regarding the Plan: The SAP is a management plan for the water and shoreline of Richardson Bay. The purpose of the Plan is to adopt uniform plans and regulations for that area. It is a joint project of the above cities and BCDC. There are five technical reports prepared addressing water quality, aquatic and wildlife resources, status of shoreline and water uses, sediment hydraulics and regulations. There was a fifty-member advisory committee appointed, and a steering committee was appointed which had eight members representing the four cities, County and BCDC. Both committees prepared the Plan that was before the Commission at this meeting for its review. The Plan consists of policies, findings, recommendations and maps.

Mr. Foley advised that the staff had reviewed the Plan and prepared an initial study with the assistance of the County and BCDC. Staff has distributed to the Commission letters of support and letters of opposition. There was also, at the request of the Commission, a report prepared called: The Sociological Impacts of the Richardson Bay Special Area Plan. This report was prepared by Martha McCart. The Plan has been adopted now by the cities of Belevedere, Tiburon and Mill Valley. It has also been adopted by Marin County. The only two agencies left to adopt it are the City of Sausalito and BCDC who has postponed their public hearing until November 1 to allow for adoption or rejection by the Sausalito Planning Commission and City Council in October. The Planning Commission most recently adopted a negative declaration on September 12, 1984.

The staff recommendation was that the Commission take testimony during the public hearing and forward its recommendation to the City Council for adoption of the Plan. The Council has already scheduled a public hearing for the Plan on October 16, 1984, and if necessary, will create a special meeting between October 16 and October 31, 1984.

Mr. Foley added that at the previous Planning Commission there were several questions raised, one of which was with respect to the authority of the local governments and BCDC to prepare such a plan. In the staff report there is described the section of the government code that allows preparation of a specific plan by local agencies and by the BCDC. Also, staff was asked if the Plan was consistant with the existing General Plan, and the answer to that was "yes." The Plan would allow modest expansion of residential use along the water in existing marinas. In addition to the Planning Commission adopting the Plan or not, Mr. Foley asked the Commissioners to give advice to the City Council regarding their main concerns so that Council can focus on those when they address the Plan.

In response to a question of Commissioner Politzer's, Mr. Foley stated that the boundary of the water in question was the water in Richardson Bay within the City limits of Sausalito which was shown on the large map exhibited in the room. Ms. McCart advised that the boundries are shown on page 36 in the Plan.

Mr. Lawrence Smith presented each of the Commissioners with the latest copy of Latitude 38° which he said touched on some matters that may be important or that have been overlooked. He had two basic questions: One was that he could not understand why Sausalito would adopt a plan that takes 80% of the controls it has over its waterfront and yet pay most of the expense of the Plan. Secondly, he asked why a plan should be adopted which puts the governing power of its waterfronts into the hands of appointed officials instead of voter-elected officials. He added that appointed officials do not have to answer to anyone, but elected officials are more inclined to select the ideas of their constituents. He felt that there was a lot of political pressure being applied by the County and the other cities involved; the other cities gain an enormous power over Sausalito's shoreline, and they have little or almost none, themselves. Here, he said, Sausalito loses the most and pays the most--it did not make sense.

Mr. Peter Amick, an anchor-out, spoke against the Plan, and said that he believed the primary reason for it was to eliminate all anchor-outs. He felt that it was illegal to move anchor-outs without some accomodation in relocating. He said that the Socialogical Impact Report made reference to relocating half of the anchor-outs in existing marinas which assume that marine operators would take them in, and low income people would be able to pay the high rents. He said that most people under this Plan would have to leave Richardson Bay and no other place in San Francisco Bay would be available. He said that most of these people would have to abandon their boats and move into housing, but that with the low income of anchor-outs, there would be no housing available without some sort of subsidization. He stated that there are some portions of the SAP that he applauds. He said, however, that he did not consider human waste perilous and was sorry to see how little consideration was given in the Plan to the things that actually harm the Bay such as other kinds of pollution. He was concerned about the effects leaded gasoline has on life in the Bay--unleaded gasoline cannot be obtained for outboard motors. He added that most of the waste considerations were aimed at the anchor-outs, and that the Plan is 80% a political move to get rid of a handful of boats who disturb the view of a handful of people who live on Strawberry Hill.

To a question of Commissioner Politzer's as to how many achor-outs there are, Mr. Amick answered that, according to the Socialogical Study, there are 70 to 85.

Mr. Dusan Mills said that the SAP really has two parts for consideration, one, whether or not to adopt the policies, and two, how those policies if they are adopted would be implemented. He agreed with the policies of the plan, particularly with the areas that have to do with sewerage, discharge, etc. One of the policies that disturb him is the section on residential uses and liveaboards. He said that this was not the fault of the planners, but goes back to something more fundamental which is the basic law relating to public tidelands that classifies residential uses as not compatible with the public trust. He felt that this law is inappropriate in Richardson Bay; that the Maritime Communities exist all over the world and the one in Sausalito is very distinct and predates agencies such as BCDC, and if this law had existed prior to them coming in, the houseboat community and liveaboards would not be here, and he thought Sausalito would be a poorer place for that. He felt some accomodation should be made with the legislature for community reality. He was concerned about local government enforcing the Plan. He said in looking at how, once the policies of the Plan have been adopted, they could be enforced on

a local level, there seemed to be several alternatives, one of which would be to form a harbor district as an adjunct to existing local government agencies which could be instrumental in raising revenues such as boat taxes and supplying fire and police protection.

Mr. Lewis Tenwinkle felt that the Plan should not be adopted, because BCDC did not give dissenters adequate voice to their opinions at meetings.

Mr. Wally Mays stated that he was for the project. He said that for a long time there has been an attempt to make some sense of the channels, how they operate, who they serve and why. Today, he said, there are more anchor-outs than in a long time. Over the years, he believed that this number would increase. He asked for order and design for the upper Richardson Bay. His complaint about the anchor-outs was that they abandon their boats which sink and plug up the Bay. He said that if Sausalito does not implement this Plan, it would be the only entity that did not have such a plan. He felt the Plan could be "fine-tuned" as it goes "down the line."

Ms. Susan Frank had two items she wanted to comment on: One was for the Commission to consider proposing an amendment that if the SAP is approved it reflect local needs. Secondly, on page twenty-seven of the SAP, number two footnote, it speaks of the Gates Cooperative project. She asked that the relocation to a new site not diminish their status in the existing community.

Barbara Salzman of the Marin Audubon Society, wanted to speak to the public trust issue. She felt that it was there to support the rights of all of the people with regard to the public water. She felt that BCDC accorded everyone great courtesy at their meetings. She said that with respect to the Plan, Sausalito would not lose any of its powers to determine its local planning, zoning, plans for its waterfront and neither would the other cities. In fact, she said, it would give the City more power through a joint effort to police its waterfront and to enforce the policies that are not being enforced now. She urged that Sausalito not be the only city to reject the Plan.

Mr. Chris Lamb said that he agreed with that part of the plan to maintain channels. He did not agree with Sausalito bearing the brunt of the costs and suggested that the anchor-outs could be grandfathered in. He said that Sausalito has been a maritime place for a long time and to cut this out would be an anathema to what the City was founded upon.

Mr. Foley advised that the law very clearly provides for the Commission to amend the SAP if the Specific Plan is adopted next summer and conflicts in some way with it. He also said that the first part of the Plan is being rcommended for approval, not the implementation section which is still being worked out. The advantages and disadantages of the joint powers agreement is still being considered. The City has not agreed to pay any particular percentage of future costs of enforcement, and does not intend to give away any power of land use control and zoning control.

Chairman Fancher asked that if the City Council adopts the SAP, who then makes the decision on implementation? Mr. Foley answered that the implementation would have to go back through the cities and the County, but basically, it would have to be done by concensus, the way the Plan has been handled in the past.

Commissioner Scott asked that with regard to Sausalito being able to make amendments, that if it adopted something which is inconsistant with or preferable to something which exists in the Richardson Bay Plan, that Sausalito could propose an amendment on that plan as far as Sausalito and its area goes, or could Sausalito only offer an amendment which has to be ratified by the majority of the cities.

Mr. Foley advised that the Plan is being adopted individually by each city, the County and BCDC, so Sausalito could choose to amend it or modify it. In clarification, Commissioner Scott, said that if the various cities adopt the SAP and it becomes the plan of that particular city, it is not a plan of all of the cities together. The answer was "yes," that it is not a plan of all of the cities together.

As to questions about the implementation of the Plan, Carol Williams advised that the enforcement policies would be done through a different legal mechanism which would have to be adopted by each city council and by the County--a joint powers or other legal mechanism, which is not the same as the General Plan legal mechanism.

Commissioner Scott stated that if the Commission adopts the SAP it becomes the Sausalito Special Area Plan just as if the City had made its own plan, and therefore, would not be bound in any way to any other city. Mr. Foley said that it would have the same basic status as the Marinship Specific Plan, only an amplification of the General Plan. Commissioner Scott added that when part two comes up, the implementation of the plan, then Sausalito, at that time, can decide whether and what it wants to do--vote for some type of implementation which might involve the County and the four cities or not.

Chairman Fancher said that he would like the whole package to be dealt with at one time. He feared adopting the Plan and then at some future time have to deal with the implementation. Mr. Foley said that it is really not any different than adopting the General Plan and then adopting a zoning ordinance. To Commissioner Scott it was different in that in the first part certain policies were being adopted, but there is no surrender of any jurisdictional or other kind of control, and in the event that someone proposes some implementation which involves some surrender of control, there might not be enough flexibilty in response without jettisoning the entire SAP.

Commissioner Fancher's concern was that once the first part was adopted it would be easier to get the second part through.

Commissioner Scott said that if Sausalito would determine to take every word that was in the first part of the Plan and call it the Sausalito Special Area Plan, that would be a different situation than adopting the first part of the SAP and waiting to see what happens to the second part. However, if the Commission adopts the first part, no obligations, whatsoever, would be incurred outside of Sausalito. Chairman Fancher said except for the strategic obligation to then go forward with the second part.

In response to a question of Commissioner Nolan's, Mr. Foley said that Sausalito had not come to any agreement with anyone about what percentage of the cost Sausalito's share of either providing the services or the revenues would be. This matter is being discussed, but no formula has been adopted.

Ms. McCart said that the City Managers of the four cities and a member of the County Administrator's staff have been meeting for about three months discussing implementation. There are items in the implementation that are of no cost and have to be done by everyone together or would not happen, such as taking collective control of the anchorage. Another is the sewarge no-discharge zone for the entire Bay which needs a collective application through regional quality control. These needed collective actions is one of the reasons the Plan is being urged to be adopted by all of the jurisdictions. She added that implementation which goes beyond these items and beyond some enforcement of existing ordinances having to do with anchor-outs and other problems in the Bay, really comes down to maintenance of desireable conditions. These items, including police protection, fire protection, etc., are all topics being discussed by the city managers to decide what is to be done and how much do these items cost. The largest share of the boats, the water areas and

current problems are in two jurisdictions, Sausalito and the County. It, therefore, would seem fair for those two jurisdictions, together, to pick up the greatest portion of the cost. This does not presuppose any formula. There is no budget at this time, but none of the managers want to create an agency that does its own separate thing; they all want something where, potentially, one member of each city council and one member of the Board of Supervisors makes up the governing board who would be elected officials and a tightly controlled body governing that district.

Chairman Fancher advised that he did not think the above elected officials were representative and brought up the fact that the Commission could reject the whole Plan, because the Commission did not know how it was going to be enforced.

Commissioner Wilson commended BCDC on their plan in preserving the Bay, but was concerned at their becoming involved in local planning matters. He saw the SAP as a specially designed plan to rid the various communities of the anchor-outs. He was concerned that this Plan could hurt more than help the City of Sausalito. He was further concerned with outside agencies interfering with the City's water plans, and taking some of its control away.

Commissioner Fancher was in agreement with Commissioner Wilson and suggested recommending to the City Council that they adopt only portions of the SAP and not others.

Commissioner Nolan brought up the uniqueness of Sausalito; that the major channel is in its waters, and the anchor-outs are in Sausalito. He thought Sausalito must take care of itself and not give up any control.

Chairman Fancher moved by Resolution 1984-42, seconded by Commissioner Wilson, that the Planning Commission recommend to the Sausalito City Council that it support the Richardson Bay Special Area plan on the following subjects: Aquatic and Wildlife Resources, Water Quality, Navigation Channels, Marinas, Anchorages and Moorages, Dredging and Spoils Disposal, Public Access, Views and Vistas, and Tidal Restoration and Marsh Enhancement. The Planning Commission, furthermore, states its reluctance to see the City of Sausalito participate in a joint powers agreement, but rather feels that there are better ways to enforce those items which it supports rather than contracting with Tiburon, Belevedere, Mill Vally and the County of Marin.

Vote to recommend to the City Council certain aspects of the Richardson Bay Special Area Plan:

AYES: Commissioners: Chairman Fancher

NOES: Commissioners: Nolan, Politzer, Scott, Wilson

Chairman Fancher advised that the motion failed four to one.

Commissioner Scott questioned the motion that was made. His thought was that the Commission should be voting on whether to adopt the whole Plan or not. The Plan, he said, contains findings and policies, and the motion says that only certain findings and policies are to be adopted, but not the Plan.

Chairman Fancher said that Commissioner Scott might be right; there was a procedural issue here. He said that he would adopt the Plan with one exception. Commissioner Scott said that that was still not the Plan and suggested rejecting the Plan without prejudice to reconsider it after the implementation of it is known, or else defer the Commission's decision indefinitely pending the Commission finding out what the implementation plan is going to be.

RICHARDSON BAY SPECIAL AREA PLAN

Mr. Foley suggested that the Commission could look at specific policies and tell the Council specifically where it disagreed.

Commissioner Scott moved by Resolution #1984-42 that the Sausalito Planning Commission defer adoption of the Special Area Plan pending the presentation of the implementation procedures and policies which are yet to be created and provided as part of the Plan. There was no second. Chairman Fancher announced that the motion died for lack of a second.

Ms. Salzman commented that if the Commission did not accept the Plan now Sausalito would not be part of any arrangements to work out the implementation.

Commissioner Scott commented that if the policies and the findings were approved that the City of Sausalito could be stopped from asserting that these findings were not findings in the event of some kind of litigation.

Commissioner Politzer moved by Resolution #1984-42, seconded by Commissioner Nolan, that the Sausalito Planning Commission reject the Richardson Bay Special Area Plan, and at the same time, commend certain parts of the Plan. There are two primary reasons for this rejection: One, the Commission rejects the Plan's provision for liveaboards and achor-outs as it is incompatible with the goals of the City, and, secondly, the Commission does not want to approve the Plan due to there being no implementation plan as yet which might mean, at some future date, Sausalito giving up some of its control of its own waterfront to other jurisdictions.

Vote to reject the Richardson Bay Special Area Plan:

AYES:	Commissioners:	Nolan, Politzer, Scott, Wilson Chairman Fancher
NOES:	Commissioners:	None

EXCERPT FROM MINUTES: SAUSALITO CITY COUNCIL 10-16-84

HEARINGS

TO CONSIDER THE PROPOSED ADOPTION BY THE CITY OF SAUSALITO OF THE FINDINGS, POLICIES, AND MAPS CONTAINED IN THE RICHARDSON BAY SPECIAL AREA PLAN. THE PLAN DOCUMENT DATED APRIL, 1984, HAS BEEN PREPARED AS A JOINT PROJECT OF THE CITIES OF BELVEDERE, MILL VALLEY, SAUSALITO AND TIBURON, THE COUNTY OF MARIN, AND THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC)

THE SPECIAL AREA PLAN CONTAINS FINDINGS AND POLICIES ON THE FOLLOWING SUBJECTS: (1) AQUATIC AND WILDLIFE RESOURCES; (2) WATER QUALITY; (3) NAVIGATION CHANNELS, MARINAS, ANCHORAGES, AND MOORAGES; (4) DREDGING AND SPOILS DISPOSAL; (5) RESIDENTIAL VESSELS AND FLOATING STRUCTURES; (6) PUBLIC ACCESS, VIEWS AND VISTAS; AND (7) TIDAL RESTORATION AND MARSH ENHANCEMENT. THE MAPS INCLUDED WITH THE PLAN IDENTIFY THE USE OF WATER AREAS IN RICHARDSON BAY CONSISTENT WITH THE POLICIES OF EACH LOCAL GOVERNMENT, THE BCDC, AND PUBLIC TRUST NEEDS

The Council had a lengthy discussion on the possible need for continuing this hearing beyond tonight. During this discussion, Jean Lamb pointed out that there would be a waterfront meeting at the Sausalito Cruising Club on October 18, and a Town Meeting at the Cruising Club on October 25th. Councilwoman Sweeny felt it would be appropriate for the Council to hold a joint study session with the Planning Commission before taking final action on this plan. Councilwoman Peltz stressed the importance of dealing with this matter in a reasonably timely fashion; other town meetings notwithstanding, it was important that this matter not be delayed further. BCDC would be considering this matter on November 1st. She pointed out that many public meetings had already been held on the Special Area Plan, which a number of those at the Council meeting had attended. She felt it would be appropriate to discuss the matter with members of the Planning Commission but did not see the necessity of a formal study session. She felt further delays in acting on this matter because of other activities was inappropriate; the matter had been delayed for months and all other cities involved had made decisions on the plan. Councilwoman Sweeny commented that the City had not delayed action on this report; the document had been received by Sausalito in July; the Council was on vacation during August; the Planning Commission had considered it in September; and the Council was now addressing the report. Sausalito was the most significantly affected community involved in this plan and the Council should take as much time as necessary to adequately consider its adoption .

Councilwoman Sweeny moved, seconded by Councilman Taber, for the Council to meet in a study session with the Planning Commission to discuss the plan before making a decision on it.

Councilman Huntting felt members of the Council could speak with individial Planning Commissioners to discuss the issues without the necessity of holding a study session. Councilwoman Peltz agreed, adding that if the Council were to meet with the Planning Commission, it should do so very soon.

Councilman Taber said that the statement had been made that there had already been a lot of meetings on this subject and these meetings had been attended by a lot of people. However, he said these meetings had been before BCDC; they were not meetings called for the benefit of the people of Sausalito and did not deal specifically with Sausalito's problems. He felt strongly that since the Council had been elected by the people of Sausalito, it should take every opportunity to listen to what they have to say.

Councilwoman Peltz pointed out that during the time the plan had been in the development stages, and particularly during the spring Council campaign, many people had expressed interest in and support for this kind of plan. In this connection, she felt it important, in taking public comment, that speakers identify where they lived.

Councilwoman Peltz moved, seconded by Councilman Huntting, to amend the motion to provide that the meeting with the Planning Commission be held this week, and if possible, on October 18th. The vote on the amendment was as follows:

AYES: Councilmen: Peltz, Huntting, Taber, Sweeny, Mayor Rogers

NOES: Councilmen: None

The vote on the original motion was as follows:

AYES: Councilmen: Sweeny, Taber

NOES: Councilmen: Huntting, Peltz, Mayor Rogers

Councilwoman Peltz moved, seconded by Councilman Huntting, that after considering this matter tonight, the hearing be continued to October 18, 1984, for the reasons stated above.

During discussion on this motion, it was pointed out that such a meeting would conflict with the waterfront meeting which would be conducted at 8:00 P.M. on October 18, 1984. Councilwoman Peltz felt that perhaps the Council could meet at an earlier time that evening. She reiterated that she felt the Council should move as expeditiously as possible on this matter. Councilwoman Sweeny questioned whether Sausalito was required to complete its consideration of the plan prior to the BCDC hearing scheduled for November 1, 1984? Councilwoman Peltz responded that in any public hearing, it made sense to have the hearings conducted as cohesively as possible. She did not feel it was fair to the public attending the meetings to prolong discussions any more than necessary. Councilwoman Sweeny said that the Council's decision on the plan was very important and she felt the Council should take as much time as necessary in making this decision and not feel pressured to act.

AYES: Councilmen: Peltz, Huntting

NOES: Councilmen: Taber, Sweeny, Mayor Rogers

Mayor Rogers moved, seconded by Councilman Taber, to continue this hearing, after tonight's discussion, to October 30, 1984, at which time, the first part of the meeting would be devoted to the Special Area Plan and the second part of the meeting would be devoted to the Marinship Specific Plan.

A lengthy discussion then ensued regarding alternate dates and times for the continued hearing. During this discussion both Councilwoman Peltz and Councilman Huntting expressed the opinion that the City should not wait until the last minute to consider final action on this plan. More than one continued hearing might be required before final action was taken.

Councilwoman Sweeny again asked why Sausalito must act on the plan prior to November 1, 1984, when BCDC would be acting on the plan, and if Sausalito was legally required to act before BCDC took action. Marin County Supervisor Al Aramburu responded that BCDC had originally intended to take action on the plan in August; he had been, on behalf of Sausalito, making requests that BCDC delay its decision in order to provide Sausalito with more time to consider the plan. This was an unprecedented delay on the part of BCDC when the elapsed time between the BCDC hearing and the vote was considered. Additionally, he said there were a number of work related reasons to get the matter settled; a houseboat and liveaboard study was coming down the line and the decision on the plan should be made before that study was considered. He added that he was getting a lot of pressure from the Executive Director and the Chairman of BCDC to bring this matter to a vote.

Councilman Taber hoped that Supervisor Aramburu would agree that the situation in Sausalito was unprecedented also in terms of this plan's importance to and long-range effects on the community. He felt it would not be out of order for

BCDC to continue being as patient and flexible as possible in light of the kinds of problems confronting Sausalito. Supervisor Aramburu responded that the County also had its share of problems; there were between 400 and 500 houseboats approved in the County; a considerable amount of money had been expended on abatement and a considerable amount of time and effort had been spent in getting the Gates Co-Op plan underway. They had fought to have the Gates Co-Op and Galilee Harbor included in the Special Area Plan. This would assist Sausalito in implementing some of its projects. He added that if the City wished to request BCDC to again delay its decision on the plan, he would make this request, but he could not promise that the request would be granted.

After some further discussion, Mayor Rogers withdrew her motion, and moved, seconded by Councilman Huntting, to, at the conclusion of tonight's hearing, continue this matter to October 22, 1984, at 7:00 P.M. This motion was unanimously adopted without a roll call vote.

The Planning Director reported that the Richardson Bay Special Area Plan was a management plan for the water and shoreline of Richardson Bay. The plan recognized common goals of all participating jurisdictions, i.e., the Cities of Mill Valley, Belvedere, Tiburon, Sausalito, the County of Marin and BCDC, with regard to the protection of natural resources, use of the water for water-oriented purposes, restoration and enhancement of tidelands, and provision of public access to and along the shoreline. There were five technical reports related to the plan: "Water Quality Issues in Richardson Bay," "Aquatic and Wildlife Resources of Richardson Bay," "Status of Shoreline and Water Uses of Richardson Bay," "Sediment Hydraulics of Richardson Bay" and "Regulations Report for the Richardson Bay Special Area Plan." An Advisory Committee of more than 50 members had been appointed and had conducted 4 meetings; a Steering Committee of 8 members had conducted 6 hearings plus 3 joint meetings; and a plan containing 3 sections had been formulated. The first section contained the findings and policies; the second section contained plan maps; and the third section contained recommendations for implementation of the plan. The first two sections were before the Council for consideration tonight. He advised that there were basically 10 major policies and recommendations of the plan as follows:

1. Vessels and floating structures used for residential purposes (i.e., houseboats and live-aboards) should be allowed only in recreational houseboat marina berths when consistent with and in compliance with local codes. All anchor-outs should be removed from Richardson Bay.

2. Within the existing houseboat marinas, limited numbers of new berths should be authorized to accommodate some of the anchor-out houseboats which existed in Richardson Bay on or prior to September 30, 1983, provided the anchor-out houseboat is in compliance with the applicable local government codes, including parking requirements, BCDC policies, and policies of the Special Area Plan. No new houseboat marinas should be authorized.

3. Marinas and yacht harbors should install sewage and graywater pump-out facilities available for public use in easily accessible locations and provide the service free of charge or at a reasonable fee to off-set maintenance costs.

4. There should be no discharge of sewage into Richardson Bay and existing discharges should be eliminated. The local governments and BCDC should request the Regional Water Quality Control Board to petition the Federal Environmental Protection Agency (EPA) to designate Richardson Bay as a vessel sewage no discharge area. Following establishment of a no discharge area, residential vessels would be required to hook-up to continuous sewage treatment systems and recreational vessels would be required to use pump-out stations.

5. Certain navigational channels as indicated on Plan Map 6, Navigation Plan, should be locally designated, marked and maintained.

6. The local governments should jointly petition the U.S. Coast Guard to amend the federal Richardson Bay anchorage regulations to include the authority of local anchorage and moorage ordinances as notes to the federal anchorage regulations.

7. A continuous unified public access system should be provided around the entire periphery of Richardson Bay.

8. Tidal restoration and marsh enhancements should take place so long as they are based on detailed information and do not interfere with flood protection and sediment control needs.

9. The five local governments and BCDC should adopt Parts I and II of the Special Area Plan. Part I includes "Findings and Policies." Part II contains Special Area Plan maps. Adoption of these maps will amend local governments' general plans and BCDC's San Francisco Bay Plan.

10. After adoption of the plan by all five local governments, a cooperative agreement should be established as necessary among the local governments to implement those policies and recommendations of the Special Area Plan that affect each agency and would best be carried out jointly, such as administration of anchorage and moorage areas, navigation channel marking and maintenance; and floating debris removal. Effective enforcement of many of the policies in this plan will depend on a cooperative agreement. The specific terms of such an agreement would be established jointly by the local governments.

The Planning Director advised that an initial environmental study was prepared for the plan and when this study was reviewed by the Sausalito Planning Commission, the Commission had requested an additional report. Martha McCart was retained as a consultant to prepare a Sociological Impact Report which had been adopted, along with the initial study and a negative declaration, by the Planning Commission on September 12, 1984. The Special Area Plan had been adopted by the Cities of Belvedere, Tiburon and Mill Valley, and by Marin County. On October 3, 1984, the Sausalito Planning Commission voted to recommend that the Council not adopt the plan. The Planning Commission so voted primarily for two reasons: (1) The Commission felt that the plan's provisions for liveaboards and anchor-outs were incompatible with the City's goals. (2) The Commission said that the plan should include an implementation program which did not allow Sausalito to lose any control of its waterfront.

The Planning Director reiterated that the Council was being asked to adopt only Parts I and II of the plan; Part III, Recommendations for Carrying Out the Special Area Plan, was being discussed by the City Managers and the County Administrator's representative, but this element was still incomplete and not yet before the Council for adoption. Staff shared some of the concerns of the Planning Commission regarding implementation and enforcement, but felt that these concerns could be addressed when the appropriate agreement was considered by the public agencies. He advised that there were representatives from Marin County present, including Carol Williams of the Planning Staff, and Supervisor Al Aramburu. Additionally, there were at least two representatives from BCDC, Jeff Blanchfield and Hans Schiller, and Supervisor Aramburu was also a BCDC Commissioner.

Councilwoman Peltz said that it was her understanding that the plan, at this point, would not require the no-discharge of graywater, but would require no-discharge of sewage. Although the plan was concerned about discharge of graywater, it had been agreed at the last meeting of the Steering Committee that discharge of graywater would be monitored but not prohibited by the plan. Jeff Blanchfield said that Councilwoman Peltz's understanding was correct. Councilwoman Peltz felt it important that this point be understood, i.e., the plan only called for compulsory regulation of sewage discharge as distinguished from graywater (generally, washing water).

Councilwoman Peltz pointed out that point 7 on page 15 of the plan appeared to incorrectly state that marinas and yacht harbors should install sewage as well as graywater pumpout facilities. Carol Williams pointed out that on page 16 of the plan, in point 8, it is stated that there should be no discharge of sewage into Richardson Bay and existing discharges should be eliminated. In Point 11 on that page, the policy is stated regarding monitoring of water quality in relation to discharge of graywater. The facilities for pumping out graywater and sewage would be available, but pumping out of graywater would not be required. Councilwoman Peltz requested that the record reflect that the pump-out facilities could be used for both graywater and sewage, but that pump-out of graywater was not required nor was discharge of graywater prohibited by the plan.

Councilman Huntting said that Sausalito was the last city to make a determination on the plan and pointed out that were visiting Councilmembers present at the meeting, including Valerie Bergman from Tiburon, Erwin Farley from Belvedere, and Dick Spotswood from Mill Valley.

The City Manager commented that the Planning Commission had raised the issue of implementation of the plan. It was staff's position that the Richardson Bay Plan did not conflict with any existing City policies. Additionally, with respect to administration of the plan, it was felt that services to be provided by the plan and enforcement and administration of the plan could be more cost effective and handled better on a cooperative basis. Funding for implementation of the plan would probably be facilitated if applied for on a cooperative basis. The management staffs of the four cities and the County had met several times since the draft plan was completed to begin looking at the issues surrounding administration of the plan. They had discussed what cooperative services could be provided, costs, service levels, representation issues among the agencies, financing mechanisms, and had done so recognizing that implementation of the plan would be looked at after its adoption. Each agency on some basis could probably administer most aspects of the plan; however, many of these aspects which have area-wide significance, including boating safety and fire and police services, would be more easily accomplished on a cooperative basis. After a decision on the plan was made, the cooperative agreements would be considered. He commented that nothing in the agreement or the plan would relate to land use control by any of the participating jurisdictions. This evening he had received a copy of a letter written to the Executive Director of BCDC from the Attorney General's office regarding the plan which would be made available to the Council. Additionally, he had received a list of questions and answers on the plan prepared by County staff.

Al Aramburu, Supervisor, Third District of Marin County, and a BCDC Commissioner, emphasized that the plan would in no way interfere with land use policies of Sausalito; it was an attempt at a management plan for the Bay and policies governing discharge into the Bay. The Regional Water Quality Control Board had decided that there was insufficient evidence to require no-discharge of graywater and as a result graywater discharge would be monitored, but no attempt would be made to regulate its discharge. Mr. Aramburu said they had worked with the Sausalito Yacht Club in an attempt to accommodate its concerns, and the Pacific Interclub Yachting Association had marginally approved the plan. One of the basic problems existing was residential use of the water and the County had $250,000 in its approved budget for abatement of such uses. The County planned to take the lead in this regard. Some of the positive aspects of the plan included improved police and fire protection, and if the plan were adopted, he felt the San Francisco Foundation would help with financing for moorings, boat access, etc. With respect to costs, approximately $100,000 would be involved, with approximately $70,000 to be split between Sausalito and the County. The policies of the plan could be adopted at this time and implementation of the plan could be dealt with separately. He was confident that outside funding for implementation of the plan would be available, and he would do all possible to minimize the cost impacts of the plan on Sausalito.

In respose to Councilwoman Peltz's request, Supervisor Aramburu read through a series of written questions and answers prepared by him which were included in the agenda materials as follows:

1. Why should Sausalito join the other Richardson Bay Communities in adopting the RBSAP? The basic reason was that the plan provided some very positive benefits to the surrounding communities, including better enforcement of existing local ordinances concerning mooring and water uses, better monitoring of water quality, ability to provide vessel pump-out stations, development of transient mooring facilities, and increased local control over activities in the Bay. By creating uniform enforcement and management policies, it would no longer be possible for problems to "drift" from one jurisdiction to another.

2. But isn't this a BCDC plan? Why don't they implement it? Doesn't this increase BCDC's jurisdiction? This was not a BCDC plan and the State Attorney General had rendered a very definitive opinion on this question. This was a local government plan and BCDC would have no jurisdiction over enforcement of the plan. The jurisdiction of BCDC could only

be expanded through amendment of the McAteer-Petris Act, and no amendment was now proposed.

3. What about Sausalito's land use policies for the waterfront? Won't the RBSAP mean that other cities or the County will be able to tell Sausalito what to do with its waterfront? The Special Area Plan was developed by the participating governmental agencies with the strict understanding that no changes would be made to any land use policies of any agency by the plan. The plan would concern itself with the water areas only.

4. What will implementation consist of and what will it cost Sausalito? In the initial phase of the plan, some legal work would be required along with some implementation costs. Mr. Aramburu said that the San Francisco Foundation had funded the study and was very interested in the Bay, and he was optimistic that if the four cities and the County joined in a request for funding, the Foundation would assist in some of the positive aspects of the plan. The estimated cost of $100,000 might be adjusted according to levels of service.

5. What about the anchor-outs? Will all anchor-outs have to give up their boats immediately and find land based housing? According to the Sausalito Waterfront Study, there were a total of 22 anchor-outs in Sausalito waters, not including the Galilee Harbor boats. If Sausalito desired, this number of anchor-outs could be accommodated in Sausalito's existing authorized houseboat berths and within new marinas now in the permit process. Even should the City be unable to provide for its anchor-outs, these residents would have a period of approximately one year to locate suitable berths in existing marinas. In addition, Sausalito was working with the Galilee Harbor Community and the County was working with the Gates Coop to accommodate existing boats and these plans were recognized by the Special Area Plan.

6. What will happen if Sausalito does not adopt the plan? The remaining jurisdictions which had already adopted the plan would join to implement it within their waters. Additionally, Sausalito would continue to have its existing problems: violation of existing zoning and mooring ordinances, inconsistency with the public trust, and an increasing health and safety problem.

Supervisor Aramburu said that he was going to press forward with the plan and it would be easier for all concerned if Sausalito joined in the plan. Recently, the Board of Supervisors had declared the commercial fishing industry in the area a disaster which allowed commercial fishing interests, primarily in Sausalito, to qualify for emergency relief. He said that contrary to some opinions, implementation of this plan would not mean the end of the working waterfront and commercial fishing.

Councilwoman Sweeny commented that Supervisor Aramburu's letter stated that he assured Sausalito that the County would pay a major portion of the on-going annual costs involved in the plan. She questioned how such a long-range financial commitment could be made by the County. Similar commitments in the past had not been honored. Supervisor Aramburu responded that the Board of Supervisors had supported him right down the line on everything relative to the plan, from the acquisition of the railroad right-of-way by the County, on abatements, on paying for extra Sheriff's deputies, on approval of the plan, and everything he had presented to it.

Mayor Rogers opened the public hearing.

Michael Haas of Gate 6 said that Supervisor Aramburu had said there were only 22 anchor-outs in Sausalito; he had perhaps not included the 37 boats which lost their places at Gate 6. Mr. Haas was very concerned about the anchor-out community and felt there were approximately 70 to 80 anchor-outs and approximately 200 people who stood to lose their homes through implementation of the plan. Before the plan was adopted, he would like to know what would be the solution for these people who would be made homeless.

Dick Seashore of Sausalito asked why the Planning Commission had voted 5-0 against adoption of the plan. The Planning Director responded that as stated in the staff report, it was his understanding that the two major reasons for

the Planning Commission's action were: (1) The Commission objected to the way that the plan dealt with the liveaboard and anchor-out situation and felt that the plan's provisions for liveaboards and anchor-outs was incompatible with the City's goals. He thought by this the Commission meant that the anchor-outs, liveaboards and houseboats were important to the character of the community. (2) The Commission felt uncomfortable approving the policies of the plan without knowing what the administration or implementation of the plan would be. The Commission wanted to be assured that Sausalito would not be losing control of its waterfront and felt it was premature to adopt the policies without knowing more about implementation of the plan.

Jean Lamb of Gate 3 in Sausalito said that Sausalito was an international harbor and if the plan were implemented transients would be unable to anchor in its waters on a temporary basis. Secondly, she said there was presently a controversy about use of the Buck Trust Funds by the San Francisco Foundation and she did not see how the monied cities involved in this plan could expect to receive grants for policing this plan with funds which had been set aside for use by the poor for low income housing, education, etc. Supervisor Aramburu reponsed that the plan did provide for transient boaters. If a longer time than that allowed in the plan were required by these transients, application for an extension could be made. The County of Marin was suing to keep Buck Fund monies in Marin County. The amount of money spent by the San Francisco Foundation on this plan related strictly to the study and had nothing to do with policing. Funds might be solicited for installation of moorings, pump-out stations, or some other positive input but the Foundation would not be involved in funding for policing the plan.

Dick Spotswood, Mill Valley City Councilman, advised that the Mill Valley City Council had approached the plan from two positions, (1) the plan itself and (2) implementation of the plan. He did not think that the plan discussed implementation satisfactorily and most of the Mill Valley City Council agreed on this. However, Mill Valley supported the plan itself contingent upon agreeing what implementation of the plan would be. Mill Valley had decided that the plan itself was acceptable; financing had not been discussed nor a governing board. It was acknowledged that there was a lot more work to be done on making the plan work. He suggested that if Sausalito approved the plan itself, a 5 member board, with representatives from each of the cities and the County, be formed to discuss financing and administration of the plan.

Councilwoman Peltz said that with respect to mooring for transients, Supervisor Aramburu was correct. There was a specific provision in the plan for visitor moorings, as well as fishing boats. She had become aware during the time she had been involved with this plan that there were many kinds of misunderstandings about what was actually in the plan, and there was a variety of sources for these misunderstandings, most notably, Latitude 38. She urged the people who were getting their information from alternative sources to take a look at the plan itself which was available in the Planning Department. She felt in this way people could get first-hand information on what was actually in the plan and not have to rely on information provided by others which might possibly be distorted.

Allison Thompson of the Galilee Harbor Community Association said she objected to several things about the plan. She asked that the Council read the Sociological Impact Report if it had not done so. Additionally, the Regulations Report explained implementation possibilities very thoroughly and advised against creating an agency which would have board members voted in by the public affected by the agency. She objected to this and said she would rather vote for the members of the board which would be be governing the way she lived. She felt the plan would jeopardize the Regional Water Quality Control Board's petition to EPA for a no-discharge zone, because there were insufficient pump-out facilities in Richardson Bay to meet the requirement for such a petition. The EPA no-discharge zone would be established only after a sufficient number of pump-out facilities had been constructed.

Valerie Bergman, Tiburon Town Councilmember, said that Tiburon had followed the same procedure as Mill Valley in separating the plan itself from implementation. Belvedere and Tiburon were the smallest cities involved and yet both were cities with a tremendous amount of water to be concerned about. Tiburon did not have the financial resources at its disposal which Sausalito did. One of the reasons Tiburon had supported the plan was because Tiburon

had worked very hard to protect its shoreline and felt that the Bay was an important resource for the entire state. Tiburon did not feel that in approving the plan it was relinquishing any local control over Tiburon waters or the Tiburon shoreline.

Hans Schiller speaking on behalf of BCDC said that he had been on both the Steering Committee and the Advisory Committee for the plan. In December it would be 7 years since he had asked the Council for its participation in the plan. It took a long time for the plan to be completed and no one obviously was rushing anything. He thanked Mayor Rogers for having served as an alternate on the Steering Committee and for her presence and input on many occasions. He thanked Councilwoman Peltz for her very important contribution to the work of the Steering Committee. Mr. Schiller said he wanted to stress Supervisor Aramburu's statements. No city, the County, nor any jurisdiction would lose any of its local control through implementation of the plan. The plan had only one purpose - to coordinate and uniformly enforce existing laws. No enforcement plan would be needed if all jurisdictions would enforce the laws existing now. It was his hope that the plan would facilitate the orderly development of the shoreline and the water, and the maintenance of an unparalleled asset. He pointed out that in the 37 years that he had watched Richardson Bay he had noted that the Bay had been shrinking. In the last 7 years, this shrinkage had accellerated. Although there was no law requiring Sausalito to act expeditiously on the plan, time was of the essence and he urged the Council to support the plan.

Peter Van Meter thought the real issue was local control and the procedures to be followed in planning under the concept of local control. He felt the Bob's Boatyard incident might have been a starting point for this plan. After that incident, considerable new political activity had commenced on the part of people on the waterfront in the affairs of Sausalito. A waterfront committee had been established which reported on waterfront issues, and Mr. Van Meter thought that some people in town had sensed a positive dialog between the so-called hill people and waterfront people, and were concerned that this dialog might lead to the endorsement of a policy which would provide for a combination of a working waterfront, residences on the waterfront, houseboats and possibly even anchor-outs. It was his feeling that those people felt that if there were a developing positive attitude to retain this kind of waterfront, one way to eliminate this kind of waterfront would be to band together with those jurisdictions which had looked over at Sausalito and felt this was not the kind of waterfront they wanted in Richardson Bay. He felt that the ultimate effect of the plan would be the relinquishment of Sausalito's control over its waterfront. The County had no working waterfront like that in Sausalito. Adopting these policies was the same as adopting a General Plan for Sausalito. The City was in the process of studying a plan for the Marinship and Mr. Van Meter felt that to adopt the Special Area Plan's policies in advance of the Marinship plan would be putting the cart before the horse. He did not want to see Sausalito give up its right of home rule to a board on which it would have only 1 out of 5 votes.

Art Humphreys said he was not impressed by the fact that the other cities involved had approved the plan and he felt the City was losing control of its own destiny. He felt the City should turn-down this power grab by bureaucracy. In response to Councilwoman Peltz's inquiry, Mr. Humphreys said he had lived in Sausalito for 18 years, 3 years on the hill and 15 years on his ketch in the Sausalito Harbor.

Lee Reynolds, President of the Strawberry Point Homeowners Association, said that the 100 homeowners in Strawberry which she represented supported this plan. She had followed the meetings on the plan for many months and thought the hearing process had been very democratic. She felt this plan was the minimum necessary. With respect to Mr. Van Meter's comment about Sausalito's governing its own waters and the boats moored therein, she thought this was fine so long as Sausalito kept its boats in its own waters. However, these boats had overflowed into surrounding jurisdictions and were affecting others.

Dusan Mills commended the developers of the plan and felt the policies and findings were fine. They dealt with many issues including water lots, resources, water quality, navigation, dredging, marsh restoration, public access, etc. He felt these policies should be adopted by Sausalito. He was troubled about provisions of the plan which addressed residential vessels and

floating structures because he did not feel these provisions recognized the reality of the community. He endorsed and supported regulating sewage discharge and water quality. However, although residential use of the water was against the law, this residential use in Sausalito predated the law currently being espoused by BCDC and recent concerns about the public trust. The process being undertaken was one which would legitimize the existing uses and prohibit future expansion of these uses. However, there were problems with this process. He asked how would the existing uses be accommodated. From the discussion he had heard with respect to Galilee Harbor, the accommodation of these existing uses had been considered on the basis of dispersing these people through existing marinas if space could be found and not on the basis of the fact that Galilee Harbor is a community in itself and not willing to be dispersed throughout the community. Another question was whether the liveaboard community had been really accounted for. The liveaboard community was greater than the Gates Coop and Galilee Harbor. Mr. Mills said that every yacht harbor in Sausalito had liveaboards and if the plan were implemented, these uses would have to be abated. He asked whether it might be possible for Sausalito to adopt all other provisions of the plan but consider the residential uses on the waterfront separately.

Mary Fishman, a Sausalito resident, speaking on behalf the League of Women Voters, read a letter from the League of Women Voters in which it was stated that the League strongly supported the process which had resulted in the plan. The League urged the Council to adopt the plan tonight so that Sausalito could fully participate in the implementation process. The quality of the water of Richardson Bay must take precedence over the private use of the Bay. Residential use of the waterfront was inappropriate. Ms. Fishman added that this Country was not founded to escape government; it was founded to have government with representation.

Stewart Brand of Waldo Point Harbor said he was present to support the anchor-outs and felt that the portion of the plan dealing with anchor-outs would help destroy Sausalito's uniqueness. He had a sailboat anchored-out in Richardson Bay which had not been broken into and was safe and he felt that the anchor-outs offered some security to the boating community, adding that there were no burglaries on the Waldo Point Harbor docks. The anchor-out community was connected to the community on the docks and he did not want a law passed which would eliminate the anchor-out community.

Barbara Salzman of the Marin Audubon Society said the Society was interested in protecting the few remaining marshes and wildlife habitats in Marin. The Society considered this plan an opportunity to set long range goals to protect the environment and wildlife in Richardson San Francisco Bays. The Society hoped Sausalito would not lose this opportunity and would adopt the plan.

Patricia Yates, a resident of the Ross Valley, said she was a member of the Water Committee of the Environmental Forum of Marin. She said that although she did not reside in Sausalito, she felt a part of the community because she frequently came to Sausalito and had kept her boat in Sausalito for many years. She was concerned about the pollution of the Bay and the future of wildlife resources. Ms. Yates said that one could draw a parallel between private use of the Bay and private use of State and National Parks. One would not allow people to make private residential use of State and National Parks because these parks belong to everyone. She felt most of the people in the Bay Area felt the same way about private residential use of the water, which also belonged to everyone. She said that her group felt the Bay should be regarded as a State, National and local resource and asked that the Council think in these terms.

Susan Frank, a representative of Galilee Harbor, asked that the Council consider an amendment to footnote No. 2 on page 27 of the report to provide that, "The relocation of Galilee Harbor to a new site along the waterfront would in no way diminish their status as an existing maritime community." She was concerned that if the community were to relocate to a new site, it might no longer be considered an "existing community." Ms. Frank said that having lived on the waterfront for 12 years and now living in Sausalito, she agreed that the Bay was a resource. However, she also felt that in Sausalito, another resource and asset was the waterfront. In addition to wildlife and water resources, there were also human resources in Sausalito. She urged the Council to consider these human resources which were protective of the water and the Bay and which added to the environment of the Bay.

Dan Temko said he lived anchored-out in Richardson Bay and agreed the Bay should be kept clean and beautiful. Although he felt there were many good things in the plan, he thought it was wrong to point the finger at the anchor-outs and liveaboards as diminishing this beauty. He did not feel that implementation of the plan had been given adequate consideration.

Virginia Merrill, a resident of Sausalito, felt that the joy of Sausalito was the variety of its people and much of this came from the waterfront and its residents. The people on the waterfront were creative and innovative. She hoped Sausalito could keep its waterfront community.

Mayor Rogers closed this segment of the public hearing.

Councilwoman Peltz then responded to a number of comments which had been made about liveaboards. She said it was not correct that the plan called for the removal of liveaboards; the plan called for people who were anchor-outs becoming liveaboards and coming into harbors. The plan did not call for liveaboards to leave where they were or to cease being liveaboards. The plan did call for people who live in harbors on the Bay to no longer pollute the waters of the Bay with human waste. She added that there had been a tremendous amount of misinformation circulated on this issue. She suggested that people should read the plan; if they did so, they would learn that the plan did not outlaw liveaboards. The plan would only require that there be no discharge of human waste into the Bay by anyone on a floating vessel of any kind. This would be accomplished by the use of pump-out facilities which were currently being provided as development occurred in the community, which facilities would either operate at no charge, or for a reasonable fee. The EPA no-discharge requirement would be instated after it was determined by the EPA that an adequate number of pump-out facilities were available.

Mayor Rogers continued the hearing to October 22, 1984, to 7:00 P.M.

SAUSALITO CITY COUNCIL

ADJOURNED REGULAR MEETING OF OCTOBER 22, 1984

The Adjourned Regular Meeting of the Sausalito City Council of October 22, 1984, was called to order by Mayor Rogers at 7:11 P.M., in the Council Chambers of City Hall.

ROLL CALL

PRESENT: Councilmen: Taber, Huntting, Peltz, Sweeny, Mayor Rogers

ABSENT: Councilmen: None

CONTINUED PUBLIC HEARING

TO CONSIDER THE PROPOSED ADOPTION BY THE CITY OF SAUSALITO OF THE FINDINGS, POLICIES, AND MAPS CONTAINED IN THE RICHARDSON BAY SPECIAL AREA PLAN. THE PLAN DOCUMENT, DATED APRIL 1984, HAS BEEN PREPARED AS A JOINT PROJECT OF THE CITIES OF BELVEDERE, MILL VALLEY, SAUSALITO AND TIBURON, THE COUNTY OF MARIN, THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC).

THE SPECIAL AREA PLAN CONTAINS FINDINGS AND POLICIES ON THE FOLLOWING SUBJECTS: (1) AQUATIC AND WILDLIFE RESOURCES; (2) WATER QUALITY; (3) NAVIGATION CHANNELS, MARINAS, ANCHORAGES, AND MOORAGES; (4) DREDGING AND SPOILS DISPOSAL; (5) RESIDENTIAL VESSELS AND FLOATING STRUCTURES; (6) PUBLIC ACCESS, VIEWS AND VISTAS; AND (7) TIDAL RESTORATION AND MARSH ENHANCEMENT. THE MAPS INCLUDED WITH THE PLAN IDENTIFY THE USE OF WATER AREAS IN RICHARDSON BAY CONSISTENT WITH THE POLICIES OF EACH LOCAL GOVERNMENT, THE BCDC, AND PUBLIC TRUST NEEDS

Mayor Rogers said that this hearing was a continuation of that commenced on October 16, 1984. She advised that the City Attorney would have to leave the meeting at 8:00 P.M. and asked that any legal concerns be expressed prior to his departure.

The Planning Director said that Part I of the plan contained the 68 findings and 58 policies of the plan. The most controversial policies appeared in Chapter 2 dealing with water quality and Chapter 5 dealing with residential vessels and floating structures. He read policies 3, 7, 9 and 10 appearing on page 15 of Chapter 2 and policies 1, 2, 3, and 4 appearing on pages 26-27 of Chapter 5, upon which he felt most concern was focused. The staff report included an opinion rendered by the Attorney General which had been prepared in response to a request from the City of Belvedere, and a memorandum from Supervisor Aramburu and the County Planning staff responding to comments expressed at the October 16th meeting. Also attached was a proposed resolution which could be adopted should the Council elect to approve the plan.

In response to Councilman Huntting's request, the Planning Director advised that the Attorney General's opinion related to dredging near Belvedere, BCDC jurisdiction, and sewage and graywater and pump-outs. The memorandum from the County addressed a number of questions which had arisen at the October 16th meeting: whether or not the plan would rob Sausalito of its diversity; whether some residential uses are grandfathered; whether anchor-outs provided security for houseboat and liveaboard dwellers; whether liveaboards would be prohibited under the plan; whether Galilee Harbor residents would be separated on different piers or in different marinas; whether or not Sausalito would have to pay the lion's share of the cost of implementation; whether transient vessels and fishing boats would be allowed to anchor in Richardson Bay; sewage pump-out facilities in Richardson Bay; whether or not the County would pay a major portion of the implementation costs; what would happen if Sausalito accepted all of the plan's policies except for the issue of anchor-outs; what would happen if Sausalito did not adopt the plan. Also listed in that memorandum were some advantages and disadvantages of the plan from Sausalito's standpoint.

The Planning Director advised that the Council was being asked to adopt Parts I and II of the plan. The Council was not at this time being asked to adopt Part III which dealt with implementation of the plan.

Councilwoman Peltz said that the Attorney General had responded to several questions which had been asked by the City of Belvedere, and requested that the Planning Director read pertinent portions of the Attorney General's letter. The Planning Director then read portions of the most relevant questions and answers contained in the Attorney General's letter, as follows:

Question No. 2 stated: "Would the adoption of the Special Area Plan increase BCDC's geographic jurisdiction over projects requiring BCDC permits within the City of Belvedere?" The Planning Director commented that this question was also applicable to Sausalito. The Attorney General had responded: "No. Adoption of the Special Area Plan will not change the type of projects that need BCDC permits nor would it expand the geographic area of BCDC jurisdiction. The Commission's geographic jurisdiction and the definition of 'project' for permitting authority are specifically described in the McAteer-Petris Act and further defined in the Commission's regulations. . . . Administrative agencies, such as BCDC, cannot adopt policies or regulations that would enlarge the scope of their jurisdiction or powers and any attempt to do so will be invalidated by a reviewing court. The adoption of the Special Area Plan's findings, policies, and maps would in no way increase or change BCDC's geographic jurisdiction as established by the Legislature. Only the Legislature of the State of California can change the jurisdiction or power of BCDC through an amendment to the McAteer-Petris Act. The formation of a cooperative agreement to streamline implementation of the Special Area Plan's policy by the local governments involved, as is recommended in the Special Area Plan, would only relate to areas of local government concern. BCDC is not a recommended party to any such agreement and BCDC's jurisdiction would in no way be expanded to encompass areas of local authority. Moreover, it is clearly stated on page 58 that '. . . the agreement should not institute authority over the normal local government land use planning and regulating authority, such as zoning and use permits . . ..'"

Question No. 4 stated: "Does the Special Area Plan increase BCDC's legal authority to require the installation of public pump-out facilities as a condition to the granting of permits for future minor activities such as maintenance dredging?" The Attorney General responded: "The Commission's authority to impose conditions depends on existing provisions of the McAteer-Petris Act and court interpretations of what are 'reasonable' conditions in terms of specific projects. The Special Area Plan cannot increase or decrease the Commission's legal authority to impose conditions nor alter existing appellate court decisions regarding the Commission's jurisdiction."

Question No. 3 stated: "Would the Special Area Plan change rules concerning release of sewage or graywater from recreational vessels?" The Attorney General responded: "The Special Area Plan does not and cannot alter existing federal laws regulating the release of sewage or graywater from recreational vessels within Richardson Bay."

The Planning Director advised that Question No. 1 related to dredging near the yacht clubs in Belvedere.

In response to Councilwoman Peltz's request, the City Attorney explained that the Public Trust Doctrine was a statement of the restrictions which are imposed upon the use of the tide and submerged lands which were the subject of the Richardson Bay Special Area Plan. In effect, that doctrine stated that those areas were confined to uses which were consistent with commerce, navigation, fisheries, public recreation and the retention of those areas as natural open spaces. Uses other than these were non-trust uses. He thought the most controversial issue was the possibility of residential use of the tide and submerged lands. There seemed to be rather uniform agreement among attorneys who had studied the problem that permanent residential uses were not public trust uses and, therefore, the use of tide and submerged lands for residential purposes must be relatively limited. With respect to publicly owned tidelands (tidelands conveyed by the State to the City of Sausalito), there was again rather uniform agreement that use of these areas for residential purposes must be extremely limited in nature and must be in some way totally intertwined with what was otherwise recognized as a public trust use (a night watchman or harbor master having a residential location within a harbor). With respect to privately owned tide and submerged lands, the Attorney General had expressed

an opinion that a somewhat more relaxed approach could be taken to use of these areas for private residential purposes. Nevertheless, any such use must be such that it was not inconsistent with the public trust and, therefore, was subject to limitations on area, intensity and time, so that there would be no question of an inconsistency between that residential use and the public trust. The City Attorney thought that the restrictions in the plan on residential uses of these areas were intended to try and conform to this concept of public trust use.

Judy Bang said that she had a 25 foot schooner and had negotiated a lease to live on her boat in Marina Plaza Harbor. However, she had now been notified by Marina Plaza Harbor that it had been notified by the City of Sausalito that it was illegal for her to be living on her boat and she either had to renegotiate the lease to provide that she was not living on her boat, or else she would have to vacate the harbor within 30 days. In response to Ms. Bang's question, the City Attorney advised that anchoring would be consistent with the public trust so long as that anchoring was for a purpose consistent with the public trust. In other words, under the Public Trust Doctrine, one could not establish a law office on tide and submerged lands just because it was on a boat which was anchored in public trust lands because the use for which the anchoring was being conducted, i.e., the operation of a professional office, was not a public trust use. Anchoring-out was a public trust use if the purpose of the anchoring out was a public trust use. Ms. Bang commented that navigation of a sailboat was a public trust use and if living aboard that boat were secondary to such navigation, asked whether this would not be consistent with the public trust? The City Attorney responded that if the primary purpose of the vessel was for navigation and not primarily for residential purposes, then this would be consistent with the public trust. However, the mere fact that it was a navigable vessel did not qualify the use of the vessel for a non-public trust use on a permanent basis. Ms. Bang said that the Coast Guard preferred that someone live on dredging barges, etc. Anchoring was a public trust use and the anchor-outs were legal; this plan would make this use illegal.

In response to comments by Bill Phillips, Mayor Rogers advised that offices on moored vessels in Sausalito were not legal under the City's zoning ordinance.

The City Attorney clarified that the question of whether a vessel was registered or not, whether it was a houseboat or whether it was a barge must be put aside. The question which determined whether or not the use was a valid public trust use was not the nature of the structure being used, but rather the nature of the use being conducted on that structure; was that use consistent with the public trust.

In response to Dusan Mills' questions, the City Attorney advised that the City of Sausalito did not have to adopt the plan either in its entirety or partially. The plan was merely an attempt, through a cooperative effort, of a number of jurisdictions to arrive at some uniformity in their approach to the uses and regulation of Richardson Bay. The City could adopt some of the policies of the plan and reject others. The adoption of the plan in no way estopped the City from changing its position in the future. No one could predict what the City's position would be when and if a cooperative agreement were signed and the City would not be estopped from changing its position unless and until it had entered into some sort of cooperative agreement. Adoption of the policies set forth in the plan did not expand or extend the authority of BCDC; BCDC's authority existed under state law and would not change no matter what decision was made on the plan. The only way the City could in any way take a position which was irrevocable would be at such time as it might enter into a binding written agreement with the other public entities involved in the plan. No one could predict the limitations of such an agreement until an agreement were actually proposed.

George Perrochet of Sausalito commented that the Attorney General's opinion appeared to relate only to Belvedere which had no federally designated anchorage area. The City Attorney responded that the answers which were given to the questions posed by Belvedere would be the same regardless of what jurisdiction might be considered. The questions raised by Belvedere were: (1) Whether or not the plan was in any way inconsistent with future dredging of tide and submerged lands for marina purposes? The Attorney General's answer

was "no." (2) Did the plan in any way change the rules as they apply to the discharge of sewage or graywater in the Bay? The Attorney General's answer was "no." (3) Did the plan extend the jurisdiction of BCDC? The Attorney General's answer was "no." (4) Would the plan increase BCDC's legal authority with respect to installation of public pump-out facilities? The Attorney General's answer was "no." The City Attorney advised that all of those questions would receive the same answers if they were raised with respect to the City of Sausalito.

Mr. Perrochet felt that the question of the federal area was not asked of the Attorney General. The City Attorney agreed that the Attorney General had not dealt specifically with the federal area. Mr. Perrochet commented that a law office whose practice was stictly limited to the maritime field would justify the use of tide and submerged lands for the location of such office in San Francisco, San Pedro, Long Beach, and a few other cities.

Harry Budge said he and his wife were retired and lived anchored-out off Sausalito. Mr. Budge said he and his wife considered living on a boat recreation and he thought that such recreational use was consistent with the public trust. The City Attorney responded that in his opinion, if the primary purpose of occupancy of the vessel was for residential purposes, it was not a public trust use. He felt the courts would go beyond considering that Mr. Budge considered his occupancy recreational and would treat all permanent residential uses as non-public trust uses.

Councilwoman Peltz felt it was important to note that the report was prepared with the advice of the Attorney General of the State of California; a representative from the Attorney General's office worked with the BCDC legal staff on the issues presented over a long period of time. The report adhered to existing state law on the subject of the public trust which was a legal concept.

Art Humphreys said he owned a house in Sausalito, but preferred to live on his boat. His boat was legal and the plan would make it illegal. He said that BCDC had admitted in public that their evidence was wrong about graywater. He submitted that the Council should question the validity of the rest of the evidence before it.

Peter Amick of Gate 6 asked whether there was any specific court decision ruling on whether or not residential use was an acceptable public trust use. The City Attorney said that he knew of no specific decisions which had addressed problems relative to the use of a registered vessel primarily for residential purposes. He thought that the conclusion of the Attorney General and his own conclusion were drawn from extending the reasoning of court decisions relating to public trust uses generally.

Rick Cogswell said that until recently, he had lived in the Marinship for about 14 years. He operated a small boat yard in the Marinship and engaged in marine commerce, commercial fishing, salvage, boat building and boat repair. He was able to provide these services at a low cost because of a low overhead. His small boatyard had no space to moor vessels after service or which were awaiting service and, therefore, he anchored-out such vessels. Additionally, during times of salvage and fishing, he was required to live on boats. The City Attorney commented that the kinds of uses described by Mr. Cogswell were the types of limited residential use which in all likelihood would be regarded as consistent with the public trust, i.e., the use of the water for purposes which were inevitably intertwined with public trust uses.

Dan Temko who lived anchored-out in Richardson Bay close to the City/County line, pointed out that the definition of an anchor-out as stated in the plan appeared to make it illegal for anyone to use his boat for living aboard. He said that in many instances, living aboard the boat was incidental to valid public trust uses. In his case, living aboard was secondary to a use consistent with the public trust. The plan would eliminate all of these valid public trust uses.

Jean Lamb of Gate 3 felt that the position paper prepared by Supervisor Aramburu failed to respond to questions which had been raised on October 16th. Statement No. 1 in that paper made no mention of the City's

Marinship Specific Plan. Statement No. 3 did not state who had done the study from which it was concluded that anchor-outs had no effect on the burglary rate among houseboat and liveaboard dwellers. People who live in Sausalito or had boats on the waterfront had made statments to the contrary. Statement No. 5 made reference to relocating the Galilee Harbor residents and anchor-outs in approved marinas. She had been advised that there was a waiting list of 3 to 4 years for berthing to accommodate a 40 foot boat and questioned whether Galilee Harbor could be relocated in its entirety. According to Statement No. 6, Sausalito would only have 20% of the vote under any joint powers agreement. She felt that this would result in Sausalito's losing control. Statement No. 8 referred to existing pump-out facilities in Richardson Bay. Ms. Lamb commented that the facilities at Pelican Harbor were for harbor residents only and the facilities at Sausalito Yacht Harbor were operated at a high cost. None of the other approved marinas had been completed, and she asked where boats would be able to pump-out if the plan were adopted prior to construction of additional pump-out facilities. With respect to Statement No. 9, Ms. Lamb questioned the use of Buck funds for implementation of this plan. Ms. Lamb concluded by saying that the highest impact of this plan would be on Sausalito's waterfront and she thought the Council should give this some thought before adopting the plan.

Supervisor Aramburu responded that he did not think the burden of proof was on him to prove one way or another the issue of whether or not anchor-outs provided security to the boating community. He had received complaints from boat dwellers on E Dock about trespassing and it was known that there were burglaries on the waterfront. There had been no causal relationship established between these complaints and anchor-outs. With respect to the 20% voting power under the joint powers agreement, under that agreement, no vote need necessarily be required. The agreement could establish a veto power relative to anything occurring within the jurisdictional boundaries of Sausalito. He thought that Galilee Harbor should be relocated in its entirety if this is the desire of the City. With respect to pump-outs, there was one facility available now; Cliff Peterson had said that if the plan were adopted, he would agree to such a facility; there would be a pump-out facility at Kappas Marina accessible to the public at a reasonable cost and the marinas approved in the City would include such facilities. With respect to use of Buck funds, although he could not speak for the San Francisco Foundation, these funds would not be used for policing, but rather in connection with enhancement of the quality of life. Supervisor Aramburu reiterated that the plan would not interfere with the maintenance of activities which Sausalito judged to be marine related or planned for the City.

Stewart Brand of E Dock, South 40, said he was speaking as one of the directors of Art Zone which lobbied in the City for a working waterfront. Art Zone thought the plan was good in many respects and it would be advantageous for the affected jurisdictions to cooperate for the good of the Bay. He thought that there were several points in the plan which created problems: (1) The main point had to do with the usefulness of the anchor-out community as a safety valve for Sausalito while it sorted out its waterfront. There were many problems along the waterfront at present - the Marinship Specific Plan had not as yet been completed; the Gates Coop had not been completely settled; Gate 3 was in chaos now; Galilee Harbor must relocate; Zack's Marina had only just been approved; and Schoonmaker Marina had only recently been approved. It would take some time for these problems to be resolved and in the interim, the anchor-out community would be useful in taking up the slack. Eventually Sausalito would probably have a Harbor Master who could solve many of the problems about which people were concerned without involving the Sheriff's Department. (2) With respect to implementation of the plan, he thought Sausalito should be regarded as the most significant member of the cooperative effort, and although Sausalito might have the power of veto, if there were a complete difference between Sausalito's viewpoint and that of other communities, Sausalito's vote might feel like one vote against many.

Mr. Perrochet said that he was a maritime lawyer, but was not present to represent any interest except his own. With respect to the question of registration or documentation and the use of a vessel, he thought that if there were something anchored-out which did not qualify as a vessel under one of the categories of documentation or registration, then there would be a problem with those living aboard such a structure. However, it had been his

experience that many of the anchor-outs moved more often that other boats moored in harbors. He thought many types of vessels, including commercial fishing boats or foreign flag vessels could anchor in Richardson Bay without complying with the sewage regulations contained in the plan. He added that he had never lost anything off his boat because it was kept close to a community of liveaboards.

Phyllis Faber of Mill Valley said she was a biologist, had been a member of the Advisory Committee and had served on the Coastal Commission for 7 years. She empathized with statements made on behalf of alternate life styles. She appreciated Sausalito's desire to maintain the character of its waterfront but as a neighbor of Richardson Bay and a Marin County resident, she felt the cumulative effects of changes in the Bay should be addressed, including siltation and quality of the water. The plan might not be perfect but it did address important impacts and issues of a cleaner and safer waterfront. Local control would not be lost by this plan; liveaboards would not be prohibited by the plan; the plan would only require that liveaboards take care of their sewage. She hoped the Council would endorse the plan.

Deborah Roseberry of Gate 6 said that many of her good friends lived anchored-out and she felt that living in a harbor was no substitute for this life-style. This was a free lifestyle which should not be prohibited and the funds earmarked for abating water-oriented uses would be better spent on working with the liveaboards and anchor-outs in accomplishing mutual goals. Additionally, there already existed a problem in accommodating existing liveaboards in marinas and she felt there would be additional problems in attempting to accommodate the anchor-outs.

Teddy Posnikof of Greenbrae, representing PICYA, said that PICYA had a special meeting with Supervisor Aramburu at which time PICYA disclosed some of its findings on the plan. He wanted to thank Supervisor Aramburu for having gotten the Sausalito Cruising Club listed on Special Plan Map 2 on page 41. Another suggestion made by PICYA was that the definition of mean low lowest water (MLLW) on page 2 of the report be changed to the Pacific Coast Pilot definition of this term. In response to Mr. Posnikof's inquiry, Supervisor Aramburu stated that graywater categorically would not be regulated under the policies of the plan and the definition of MLLW could be changed.

Michael Haas, a resident of the Gate 6 Coop area, said that if the Council approved the plan, this would effectively put the last nail in the coffin of the anchor-out community which had been in Richardson Bay since 1915. He said that the community supported many of the ecological elements of the plan but not those elements which would destroy a way of life on the waterfront. Destroying this way of life represented oppression of the poor. He felt the Council should adopt those portions of the plan which would protect the marshes, the bay and wildlife, but asked the Council not to adopt that part of the plan which would destroy the lives of human beings.

Virginia Merrill pointed out that although there appeared to be many at the meeting from the Gate 6 area, there were no representatives from other harbors. She asked whether people living in harbors other than Gate 6 were aware that their liveaboard life style would be affected by adoption of the plan. Councilwoman Peltz responded that the plan specifically provided that liveaboards could no longer discharge human waste into the Bay; this was all that the plan said relative people who lived in harbors.

With reference to the effect of the plan on the liveaboard community, Councilman Taber pointed out that on page 27 of the plan, item No. 3 provided that "To accommodate anchor-outs, a limited number of liveaboards and houseboats should be permitted in the existing and new recreational boat marinas provided: (a) they are necessarily incidental to the recreational boating use; and (b) they are in compliance with the applicable local government codes, including parking requirements. . .." He said that in incorporating the anchor-out community into the liveaboard community, many problems would be encountered, including compliance with parking standards. Consequently, the liveaboard community would be affected by adoption of the plan. Councilwoman Peltz responded that item No. 3 specifically addressed the anchor-out question, not the liveaboard question. The provisions of this item did not refer to the existing liveaboard community, but rather provided an opportunity for

anchor-outs to become a part of the liveaboard community provided that certain minimum standards were met.

In response to Councilman Taber's inquiry, Supervisor Aramburu said that the purpose of the policy was to accommodate anchor-outs; everything else in the policy was subsidiary to this purpose. A footnote to this policy clarified that "limited number" was intended to mean a "relatively small number" of berths, or houseboats or liveaboards to be consistent with the Attorney General's adivce. The exact number which would be authorized at each marina would be dependent upon the size of the marina and the individual facilities of the marina, such as parking and sanitary capabilities. The intention of this policy was to be permissive. Mr. Aramburu said that if Sausalito wanted 2% or 5% liveaboards, he would carry this request on behalf of the City. He emphasized that liveaboards would not be precluded by the plan nor were occasional uses. Councilman Taber responded that although he agreed the plan made some provision for accommodating the anchor-out community, implementing the policy relative to this community was not a simple issue. There were restrictions imposed by the plan on accommodating this community, including satisfying parking requirements, which would be difficult to meet. Supervisor Aramburu said the City could come up with its own criteria for accommodating the anchor-out community, including a modification of parking requirements.

Carol Williams commented that policy No. 3 on page 27 applied to anchor-outs which could be accommodated in marinas, and therefore become liveaboards. The policy did not address vessels which were now liveaboards. The only policies which related to present liveaboard vessels would impose requirements relative to sewage disposal.

John Gray of San Rafael said he was a weekend boater. As a user of the water, he urged the Council to enforce regulations which would keep the water clean and available for use by everyone.

Phil Jennings said he was an anchor-out and that anchor-outs and liveaboards were the same. He asked how the number of liveaboards and/or anchor-outs would be determined and what were the federal requirements relative to these vessels. Carol Williams advised that anchor-outs and liveaboards were defined in the definition section of the plan as follows: "Liveaboard" means a vessel having capability for active self-propelled navigation moored for an extended period of time and used continuously during that time for private residential use and used on some occasions for recreational or commercial purposes. "Anchor-out" means a houseboat or live-aboard which is moored or anchored off-shore and not at a marina or shoreside facility. The policies of the plan specified that anchor-outs should be removed from the open water because residential use of the water was not a public trust use. The number of live-aboards which would be permitted would relate to the total number of vessels in a marina or an area; this was a relative term. The map on page 20 of the plan showed the federal special anchorage and the general anchorage. She advised that if a joint powers agreement were entered into by the various jurisdictions, the cities and the county would jointly petition the Coast Guard to allow local regulations on anchorages to be included in the notes to the Coast Guard regulations on anchoring. At the present time, there was unrestricted anchoring allowed in the special and general anchorages.

Phil Jennings thought it would be wrong to eject from the open water those who did not have the funds necessary to live on the land. He asked whether there was a federal regulation which could be met which would allow the anchor-outs to stay in the open water. Ms. Williams responded that the City Attorney had advised that residential use was not a public trust use unless that use was inextricably intertwined with a public trust use such as fishing or commerce. In response to Mr. Jennings' inquiry, Mayor Rogers advised that one of the recommendations of the plan was that anchor-outs be removed from the Bay; the plan suggested that the anchor-outs be relocated into new or existing marinas where possible. Mr. Jennings commented that anchor-outs would be unable to pay the rents required in marinas.

Allison Thompson said that according to the Attorney General, the limit on liveaboards in marinas would be 4%. She asked what would happen if it were found that this quota had already been met in Sausalito's existing marinas? Was there any guarantee that this 4% quota would be increased to accommodate

the anchor-outs? She asked where the anchor-outs would moor until berths became available; would there be any transitional moorage provided? She said that since the permits had already been issued for the Kappas and Zack's marinas, conditions could not now be imposed to require these developers to provide facilities to accommodate anchor-outs. Councilwoman Sweeny pointed out that while Zack's Harbor was within the City, the Kappas Marina was under the County's jurisdiction.

Councilman Huntting responded that the percentage of liveaboards to be permitted in Sausalito would be up to the City. The Attorney General had indicated 4% as permissible, but Sausalito would be looking for local control over this issue. The City would have some flexibility in determining the percentage of liveaboards to be allowed in its marinas. Councilman Huntting said that with respect to the Zack's marina, a portion of his motion approving the CUP for that marina had included provision of facilities to accommodate commercial fishing boats at little or no cost to the commercial fishermen. In supporting this element of the Zack's marina, the Council had shown its support of waterfront issues. However, whether or not anchor-outs or liveaboards could be accommodated in the City's marinas was a zoning issue; the City would have to rezone areas in order to allow anchor-outs to be accommodated in the new marinas. He added that he had discussed with Mr. Zakessian the issue of security provided by allowing liveaboards in Zack's Harbor and Mr. Zakessian had been inclined to allow liveaboards in that Harbor. However, the City would have to implement zoning changes before this could be permitted. Ms. Thompson pointed out that there were more than 4% liveaboards existing in Pelican Harbor and the Sausalito Yacht Harbor and asked why the City had not already rezoned those areas to legalize these liveaboards.

In response to Ms. Thompson's question as to what type of security would be given that liveaboards and anchor-outs could be accommodated in the approved Kappas Marina expansion, Supervisor Aramburu said that the Kappas Marina was totally approved and under construction, including sewage pump-out facilities. With respect to the 4% liveaboard figure, this was a negotiated figure between the City of Berkeley, BCDC and the State Lands Commission; the Attorney General had not determined this figure. It would be up to the City to negotiate the percentage figure for Sausalito. With respect to a transitional period, petitions would have to be submitted to the Regional and State Water Quality Boards, an application made to the Environmental Protection Agency for the no-discharge area, and requests made for appropriate changes to the federal special anchorage designation. This process would take in excess of one year, and possibly as much as two years and he felt this would be the transition period.

In response to Councilwoman Peltz's inquiry, Ms. Thompson said she was now a member of the Galilee Harbor community; she was at one time anchored-out. Ms. Thompson said that although she now had a place for her boat, she did not feel secure in this location. Councilwoman Peltz pointed out that Galilee Harbor had the benefit of a stipulated agreement with the City whereby the City had agreed to assist in relocating that community. She pointed out that Galilee Harbor was recognized as an existing waterfront group in the plan, and it was well-known that the City had a commitment to help relocate this community. The City's position in this matter had been made very clear and was understood by all of the other participating jurisdictions. Councilwoman Peltz said it was important to note that there was a difference between existing marinas which have liveaboards and new marinas. It was her understanding that the 4% figure which applied to Berkeley related to new marinas, not existing marinas. With respect to existing liveaboards in existing marinas, the plan would only require that these vessels not pump sewage into the Bay. The plan specifically addressed new marinas and accommodations in these new marinas. The plan said there should be no new houseboat marinas and that in new recreational marinas, there should be allowed a percentage of residential use deemed incidental and useful to the marina.

Ken Reddy of Sausalito said that Supervisor Aramburu's statement reflected that no decision had been made about how votes would be allocated under a joint powers agreement. One possibility for assuring maximum local control would be a veto power for a jurisdiction over any proposed action exclusively within its jurisdiction. Mr. Reddy felt that most of the points of the plan were acceptable; it appeared that the only disputed issue related to anchor-outs. He would not want the City to be placed in a position where it could be outvoted by the other jurisdictions on issues which were vital to Sausalito.

Chris Wagner of Strawberry said he had had a boat in Sausalito for 20 years. He felt there was a problem in that there was a small group of people who had enjoyed a unique lifestyle for many years. However, the community had changed and rules had changed. It appeared clear that the public trust concept had been interpreted to preclude residential use of public trust lands. He felt that if people disagreed with this interpretation, it should be challenged in court. He hoped that other vital issues involved in the plan could be addressed this evening, including the no-discharge issue. He felt that 90% of discharges into the Bay had been eliminated and that people who live on the water were very sensitive to sewage discharge into the water.

Katherine Vine said she lived on a houseboat at Gate 3, but she would be required to leave this harbor. She felt that the individual human situation should not be forgotten through a discussion of generalities. She asked where the displaced anchor-outs and liveboards would go if the plan were adopted. There was no low income housing available in Sausalito.

Steefenie Wicks, presently occupying a guest berth at Galilee Harbor, felt that in addressing the anchor-out issue, the Council should consider that there is no low income housing in Sausalito. One of the reasons there were anchor-outs was because of the housing shortage in Sausalito and there was no guarantee that the anchor-outs could be accommodated in marinas.

Chris Lamb of Galilee Harbor encouraged the Council to accept the Planning Commission recommendation relative to this plan. He agreed with the ecological provisions of the plan. He pointed out that approvals relative to the Gates Coop had not allowed for the 133 berths which were actually needed to accommodate liveaboards in that community. Supervisor Aramburu responded that a planning decision relative to the Gates Coop determined that the site could only accommodate 78 berths.

Mary Fishman of Sausalito said she had followed the plan for 2 years. She had read the plan, was familiar with it, and felt the City should adopt it. Everyone appeared to agree that the Bay was something which should be preserved and protected. If uniform plans and policies were not adopted, the Bay would not be preserved. She felt the Council was listening to all sides and she particularly commended Councilwoman Peltz for attempting to explain the various provisions of the plan.

Bill Phillips felt that since commercial uses were consistent with the public trust, adoption of the plan would open up the Bay for more intense commercial use which he did not feel was fair or what was desirable for Sausalito.

Hans Schiller of BCDC said that conservation was totally meaningless unless it was for human beings. However freedom for human beings did not contemplate doing as one pleased to the detriment of others in the enjoyment of their freedom. The Bay was a unique asset which existed for the enjoyment of all. The Bay did not exist for the purpose of creating land divisions or for the purpose of development as if it were dry land. He submitted that the greater good of the majority of people was important. There were laws to protect public lands from squatters and he felt the water should likewise be protected. The laws pertained to everyone; no one was unique and no one had the right to demand special treatment. He urged the Council to adopt the plan.

Judy Bang thought that it was a financial reality that it was not economically feasible for the private property land use remaining on the Sausalito waterfront to accommodate the alternate life style of the anchor-outs. She said there was no proof that the anchor-outs caused pollution of the Bay and the water quality report proved that the anchor outs were not polluting the water. She opposed precluding the anchor-outs from the Bay.

Tom Felber of Gate 3 in the Marinship said he had lived in Sausalito for 9 years, and not all of that time on a boat. One important issue was where did people raise families in Marin County. People were leaving the County because they could not afford to remain. He felt it was unjust for late comers to the community to insist that their predecessors leave. It was unjust for people to have to abandon a system of living which predated by thousands of years the present prevailing living arrangements. Mr. Felber said he was a history teacher and there was documented evidence that people lived on the Ohio River

in the 1830s under conditions similar to those now in Richardson Bay. He believed that the stated reasons and purposes behind the plan were morally corrupt.

Craig Brown said he lived in San Rafael and had his offices in Sausalito. During the course of the hearings on the plan, even though many who were speaking represented the community which would be dislodged by the plan, it appeared that the plan would be implemented regardless of concerns over the displaced community. Mr. Craig said that many of the issues which were addressed in the plan, i.e., pollution and graywater, had been abated since the plan was originally conceived. He felt the real issue was that from Strawberry Point, houseboats and liveaboards did not represent a pristine view of the Bay. The reason for the concerns being expressed in Sausalito which were not expressed in other cities was that Sausalito was the port town. A port was somewhat different from a residential waterfront in that it was a working waterfront. As a consequence, its waterfront might not be as aesthetically pleasing to the residential community. Many of the anchor-outs actually resided in County or federal waters outside of Sausalito. If the plan were implemented, these anchor-outs would undoubtedly have to be relocated into Sausalito because Sausalito had the only port facility. Sausalito would then be faced with the problems of accommodating these new people, and under such circumstances, Sausalito should retain control. He suggested that if the plan were adopted by Sausalito, it be adopted with a resolution that Sausalito will have a veto power. This would preserve to the City Council the power to preserve some of the City's uniqueness.

Dusan Mills felt the plan was good in many respects; however, the policies relative to residential and floating structures created a problem. As stated in the plan, Richardson Bay had accommodated residential vessels since the early 1900s and statements had been made that times were changing and people must respond to change. The plan stated that private residential uses were not public trust uses. However, this was only an interpretation of the public trust by the Attorney General. The Gates Coop project contained 100% residential use in a houseboat marina on state tidelands and public streets. No grosser violation of the Attorney General's interpretation could exist. Mr. Mills said that there were many instances where residential use of the public trust lands were allowed. The public trust was to serve the people. He felt the inoffensive portions of the plan should be adopted; the portions of the plan which were ambiguous or open to interpretation should not be adopted. The people who will be affected by the plan should be identified in the plan and taken care of in a realistic way.

Supervisor Aramburu then responded to several questions which had been raised. He advised that in addition to the Attorney General's opinion, there were California Supreme Court rulings on public trust uses. With respect to the Gates Coop project, he stated that he had supported this project and applications for its funding, and he had supported use of Block Grant funds for Galilee Harbor. However, in order to get approvals of this type of project, these projects would have to come in under the guise of minor fill to improve shoreline appearance. With respect to the question of residential use of the water, there was a New Jersey Court of Appeal case which determined that Congress intended that special anchorages were intended to stimulate interstate commerce and did not preempt local government from regulating residential use. The plan would not preclude anchoring of boats which were awaiting repair. In response to Mr. Brown's remarks, Supervisor Aramburu advised that a port did have to have moorings and these moorings would be available under the plan.

Supervisor Aramburu advised that in 1971, the County had, in attempting to mitigate some of the problems in Richardson Bay, requested 400 permits to clear-up the unsewered houseboat situation; these permits were issued. Subsequently, he had requested 78 permits for the Gates Coop; these permits had been grudgingly granted under the guise of minor fill to improve shoreline appearance. 38 to 40 permits would be necessary for Galilee Harbor. In pursuing these permits, he had been reminded that over 85% of the houseboats in the State of California were in Marin County. In conclusion, Supervisor Aramburu said that he would continue to do all necessary to complete the Gates Coop project, but the real issue was residential use of the water which was not permitted under the laws of the State of California and there was little more he could do on this issue.

Wayne Bishoff of Gate 3 in the Marinship said he had built a fishing boat and he had been fishing with his boat every year. He reserved the right to moor his vessel in the anchorage because he could not afford the mooring fees in the private marinas. He said that Sausalito was the last free port on the western coast of the United States.

Tom Hoover said that the Attorney General was the chief lawyer for the State of California and his opinion was only his interpretation of the public trust. Mr. Hoover said that in most countries where the Roman law was in effect, houseboats and liveaboards were permitted; people had lived on boats for centuries. He felt the good parts of the plan should be adopted and the rest should be rejected. He thought it was important to keep the federal anchorage because this anchorage allowed Sausalito to communicate with the rest of the world. Carol Williams responded that putting local notes in the federal anchorage regulations would not keep commerce and ideas from coming in and out of Richardson Bay.

Peter Amick of the Gates Coop thanked Supervisor Aramburu for his help in connection with the Gates Coop project. He reiterated that the plan would eliminate the anchor-out community. There was no provision in the plan for accommodating or relocating the anchor-outs, although there was some vague wording relative to possibly accommodating these vessels in marinas. However, there were no berths in Sausalito for these vessels to occupy, and if there were any such berths, the anchor-out community could simply not afford them. Further, he had been advised that the waiting list for rental assistance in the County was closed and would probably not reopen for another two years. He said that a vote for the plan would serve to eliminate an entire community.

Annie Hallatt said that the Special Area Plan had probably resulted from complaints by Strawberry Point homeowners about the anchor-outs and live-aboards. She thought that likewise development of Strawberry Point had not been supported by many of the people at tonight's meeting. She said there were two special interest groups involved: (1) homeowners on the water; and (2) homeowners on the land. She did not feel that one group should be allowed to decide that the other group would have to leave. She felt that the human element on the water made the water more interesting and that it would be a crime against democracy and the history of Sausalito to eliminate the anchor-out community.

Chris Tellis said he was on the Advisory Board for the plan in its early stages. He felt that with the exception of that section on residential use of the water, the the plan should be approved. When the plan process was first commenced, most of those from the waterfront who were representatives on the Advisory Board suspected that the plan was a mechanism to find a sensitive way of dealing with the anchor-out controversy. All water quality testing in Richardson Bay dealt exclusively with fecal coliform counts, a human element, and did not deal with heavy metals or other types of pollution. He had felt that the emphasis had always been to deal with the residential portion of the plan. Also, in the early stages, Supervisor Aramburu had discussed the possibility of creating an anchor-out community on the Bay where anchoring would be allowed by permit and honey barges would be used to solve problems of sanitation. Mr. Tellis said that he had been encouraged by this discussion. However, the public trust doctrine precluded establishing such a community. Mr. Tellis thought that anchor-outs were an imaginary threat to a lot of people. He did not believe that the anchor-outs would be placed into marinas and he thought the City should find out what would happen to these people before adopting the plan.

Michael Haas commented that the highest legal decision on the public trust had been made by the State Supreme Court and this was because no one could afford to take the question to the U.S. Supreme Court. He thought that the State Court ruling was merely a cover-up of the fact that the State of California had illegally sold all of its tidelands; the public trust doctrine was only an excuse to allow the purchasers of these tidelands to develop these properties. He said that in February, his case against the City would come up in federal court and he hoped that a federal ruling on the tidelands question would result. Mr. Haas asked whether any report had been prepared on what would happen to the anchor-out community if the plan were adopted.

Supervisor Aramburu said a sociological report had been prepared and it was acknowledged that problems for the anchor-out community would result from the plan's adoption and some relocation would be necessary. He agreed that there would be problems, but attempts would be made to assist in relocating this community.

Deborah Biebel, an anchor-out, wondered how the Council could make a decision on the residential issue without knowing what would become of the anchor-out community. She felt eliminating the anchor-outs would be a violation of people's freedom.

Allison Thompson said that studies showed that pollution caused by anchor-outs represented only 4% of the pollution in Richardson Bay. Sewage discharge from other sources was being eliminated from Richardson Bay and pump-out facilities were being developed, and when these facilities were put into use, the sewage problem should be completely eliminated without declaring the Bay a no-discharge zone and without usurping the special federal anchorage. In response to Ms. Thompson's question, Supervisor Aramburu said the City Council would have to make a determination on an appropriate percentage of live-aboards; if this percentage was not in conflict with any other agency, he would request this percentage on behalf of the City.

Sally Ready of Galilee Harbor encouraged the Council not to adopt the plan because of the issues therein relative to anchor-outs and liveaboards.

Tom Felber agreed with the plan except for those provisions relative to residential use of the water. He felt that the residential dwellers on the water were an integral part of the Bay and were a community very concerned about protecting the Bay. He said that water fowl on the Bay were now in better shape than they had been in the last 40 years; water fowl thrive on human presence on the water.

Bill Phillips said there was a system already in place through the Coast Guard to enforce sewage discharge regulations. He pointed out that not all anchor-outs discharge sewage into the Bay.

Barbara Salzman of the Marin Audubon Society said that the Audubon Society did support the Special Area Plan. Wildlife on the Bay was not really increasing, contrary to statements which had been made. Any additional coverage of the Bay's surface left less space for the wildlife. The Society was concerned that efforts be made to continue to clean-up the Bay, and this included declaring Richardson Bay a no-discharge area.

Mayor Rogers closed the public hearing.

Mayor Rogers asked that in considering the plan, Policy No. 7 on page 21 (petitioning the Coast Guard relative to inclusion of local anchorage and moorage ordinances as notes to the federal anchorage regulations), and Policy No. 1 on page 26 relative to residential vessels and floating structures, be discussed separately from the remainder of the plan. She stated that there seemed to be support for the remainder of the plan. After some discussion, it was agreed that the plan would be discussed in the order presented, and disputed issues would be voted upon separately.

PART I: FINDINGS AND POLICIES

AQUATIC AND WILDLIFE RESOURCES

Councilwoman Peltz felt the policies contained in this section were very sound. They had been very thoroughly investigated and targeted areas which were important to be protected. The recommendations and policies would be beneficial throughout the entire Richardson Bay and important to all affected communities.

Councilwoman Peltz moved, seconded by Councilman Huntting, to adopt the Aquatic and Wildlife Resources policies contained in Part I of the Special Area Plan. The motion was unanimously adopted without a roll call vote.

WATER QUALITY

Councilwoman Peltz suggested that in policy No. 7 (page 15), reference to "graywater" be eliminated since it had been clarified at the last meeting that the plan would only control sewage discharge and not discharge of graywater. Councilman Huntting suggested that in order to be consistent, similar references to graywater should be eliminated from finding No 15 (page 13). Carol Williams said that this was a finding and could not really be changed and that there was a policy relative to monitoring discharge of graywater (No. 11, page 16) which should also remain. Councilwoman Peltz said that at the last meeting of the Steering Committee, monitoring of graywater had been discussed at length, taking into consideration the point of view of the Water Quality Control Board, PICYA concerns and other issues raised by those attending the meeting. It had been agreed by the Steering Committee that if discharge of graywater were not prohibited at this time, monitoring the discharge of graywater would cover the issue adequately. The proposal would provide more technical information on the subject of graywater discharge; the cities and the counties could be apprised of this information as it was developed and base their decisions on possible control of graywater discharge on information which had been specifically developed on this issue. Councilman Huntting agreed that elimination of reference to graywater in policy No. 7 was appropriate but felt that the finally adopted plan should include an explanation of the reasoning behind this change.

Carol Williams advised that the other jurisdictions had felt it would be helpful to have an appendix to the plan which included all comments, minutes, changes and recorded proceedings of the various jurisdictions.

In response to Councilwoman Sweeny's inquiry regarding policy No. 7 (page 15), Councilwoman Peltz explained that laundry facilities to be provided in marinas and yacht harbors would be connected to a sewer system.

In response to Councilman Taber's inquiry regarding policy No. 8 (page 16), Carol Williams said that this policy referred to discharge of sewage only; the policy did not relate to detergents used in cleaning boats. Councilman Taber asked if graywater, although excluded at this time in the no-discharge area, might at some future time be regulated in the no-discharge zone. Ms. Williams said that the only thing regulated by the EPA in the vessel sewage no-discharge area was sewage; graywater, if controlled, would have to be controlled locally and not as a part of the federally designated area.

Councilman Huntting felt it would be consistent to delete reference to graywater contained in policies Nos. 9, 10, 11, and 12. Mayor Rogers pointed out that policy No. 11 only provided for monitoring of graywater and felt this provision should remain. Councilman Huntting thought that this policy contained an implication that it would be necessary at some time to control graywater discharge in a manner similar to sewage discharge. Councilwoman Peltz said that policy No. 11 merely referred to what might be done in the future to control discharge of graywater if it were determined, through study, that this was necessary. Councilman Taber said he was concerned about how it would be determined that graywater was polluting the Bay. He felt leaving the reference in No. 11 would be a first step in implementing future control of an issue over which Sausalito should retain individual control. Ms. Williams commented that the County Environmental Health Department would probably do the testing and/or monitoring, and possibly the Regional Water Quality Control Board. In response to Councilman Taber's inquiry, Ms. Williams said that the findings of the Regional Water Quality Control Board and the County Department of Environmental Health were that graywater is a pollutant but it is not as severe or as serious as sewage. It was most important to eliminate sewage discharges; after that, it would be possible to monitor graywater to determine whether it posed serious problems.

Councilman Huntting said he had no quarrel with monitoring effects of graywater discharge; however, it had been his understanding that graywater discharge would not be controlled as a part of the Special Area Plan. The policy stated that if it were found that graywater was a serious pollutant, then the plan would require pump-out facilities for graywater. He suggested that in order to be consistent, reference to pump-out facilities for graywater should be eliminated in policy No. 11. Councilwoman Peltz clarified that No. 11 only provided for monitoring of graywater discharge. After data on this

discharge was collected and analyzed, the cities could make their own decisions, either on a local or collective basis, as to whether or not discharge of graywater should be regulated. She pointed out that it was because of incomplete and insufficient data on the effects of discharge of graywater into the Bay that the Steering Committee had been unwilling at this time to require the no-discharge of graywater. However, the Committee had not wanted to completely foreclose the possibility that control of graywater discharge might be necessary should expert study reveal that graywater was creating a serious problem in the Bay.

Ms. Williams explained that the requirements of policy Nos. 10(a) and 12 were permissive and would not require the pump-out of graywater. However, the facilities would be available should anyone wish to pump-out graywater.

After further discussion, it was the consensus of the Council that reference to facilities for the pump-out of graywater should be eliminated from policy Nos. 7, 10(a) and 12 on pages 15, 16, and 17 of the plan. Councilman Taber said that he would agree to leaving the reference to graywater facilities in policy No. 9 only with the understanding that the local jurisdictions would retain control over any future regulation of discharge of graywater.

Mayor Rogers said that finding No. 18, page 14, stated that use of honey barges might be a feasible alternate system of gathering sewage. However, no corresponding policy statement had been made relative to the use of honey barges for this purpose and she felt it would be appropriate that the policies incorporate a statement that use of a floating large holding tank with pump-out mechanism (commonly called a honey barge) would be an acceptable alternate system of gathering sewage from houseboats and live-aboards.

Councilwoman Sweeny pointed out that the finding stated that the Regional Water Quality Control Board and the Marin County Department of Environmental Health had both expressed skepticism about the economic feasibility and reliability of the use of honey barges. She would not object to insertion of the policy statement suggested by Mayor Rogers, provided that use of honey barges was acceptable to the appropriate agencies. Mayor Rogers agreed that any policy statement relative to honey barges should be qualified to provide that the system should be acceptable to the appropriate public agencies, but she did not feel that the policies should preclude use of honey barges as an optional method of controlling sewage.

In response to Councilwoman Peltz's inquiry, Judy Bang advised that noney barges were in use in Newport Beach.

After some further discussion, it was the consensus of the Council to include in the appendix to the plan a policy statement that an acceptable alternate system of gathering sewage from houseboats and live-aboards would be a floating large holding tank with pump-out mechanism (commonly called a honey barge), provided that such system met environmental health and water quality standards.

With respect to policies No. 3 and 5 (page 15), dealing with sediment and erosion control, Mayor Rogers said she was concerned that measures and ordinances relating to this control were not being enforced in the jurisdictions involved in the plan. She knew that Sausalito had not adopted ordinances and regulatory programs dealing with erosion and sediment control and that problems in this area were dealt with on an ad hoc basis. She felt such measures should be enacted by the City. Mayor Rogers suggested that a 14th policy be added to this section which would expand the monitoring program beyond sewage pollution and provide that all sources of pollution into the Bay be monitored, including chemicals, urban runoff, etc. She felt it was inappropriate to assume that there was only one source of pollution of the Bay. As had been pointed out in a recent article, the Regional Water Quality Control Board had mentioned that sewage was but one of the many sources of pollution in the Bay.

In response to Councilwoman Peltz's questions, the City Manager advised that currently problems in this area were dealt with on an ad hoc basis through the Public Works Director as construction is proposed. He was unaware of any on-going monitoring of sedimentation and erosion after completion of construction

although there was an annual program to clean storm drains. In response to Councilwoman Peltz's further inquiry, the City Manager advised that the Regional Water Quality Control Board monitored levels of pollution, probably on a complaint basis.

Councilwoman Peltz agreed with Mayor Rogers that a City ordinance should be initiated which provided for not only the facilities for dealing with and control of erosion and sedimention, but also required maintenance of such facilities and some system of regular monitoring of these facilities through a check on water quality, presumably by the Regional Water Quality Control Board. She felt that Sausalito's statement on this matter should be included in the plan appendix.

Mayor Rogers said that one of the reasons for her concern was that two Mill Valley City Councilmembers had advised that the new office complex at Shelter Bay in Mill Valley had no runoff control measures installed. She felt that all of the appropriate jurisdictions should be encouraged to institute procedures for management of surface runoff. Ms. Williams responded that this issue had been brought up by the other cities involved in the plan.

Councilwoman Peltz suggested, and it was the consensus of the Council, that the appendix to the plan include the Council's statement as expressed above regarding institution of programs for the monitoring and control of erosion and sedimentation, and that this issue be pursued with the other Richardson Bay cities. Mayor Rogers asked whether this statement included, along with institution of more specific and/or comprehensive regulations for urban runoff and soils and sediment control, a more comprehensive monitoring program of all pollutants into the Bay? Councilwoman Peltz felt it would be appropriate for the cities to request that the Regional Water Quality Control Board institute a program for monitoring of these pollutants.

Mayor Rogers requested, and it was the consensus of the Council, that the appendix include Sausalito's request that not only sewage discharge be monitored, but all other pollutants be monitored by the Water Quality Control Board or other appropriate agency, and that the City review the criteria and facilities for this monitoring to be certain that the water quality testing covers all necessary areas of the Bay.

It was the consensus of the Council to adopt the Water Quality policies contained in Part I of the Special Area Plan as corrected and amended above.

NAVIGATION CHANNELS, MARINAS, ANCHORAGES, AND MOORAGES

With respect to the graphics denoting federal anchorages and appearing on page 20 of the plan, Councilwoman Sweeny thought that the area designated as "Special Anchorage" should be more correctly designated as "Anchorage No. 2."

Mayor Rogers requested, and it was the consensus of the Council, to have a separate vote on policy No. 7 appearing on page 21 of the plan.

Councilwoman Peltz moved, seconded by Councilman Taber, to adopt the Navigation Channels, Marinas, Anchorages, and Moorages policies contained in Part I of the Special Area Plan, excepting Policy No. 7 appearing on page 21. The motion was unanimously adopted without a roll call vote.

DREDGING AND SPOILS DISPOSAL

Councilwoman Peltz moved, seconded by Councilman Huntting, to adopt the Dredging and Spoils Disposal policies contained in Part I of the Special Area Plan. The motion was unanimously adopted without a roll call vote.

RESIDENTIAL VESSELS AND FLOATING STRUCTURES

Councilman Huntting asked for a show of hands of those attending the meeting who were anchor-outs in Sausalito and County waters. Approximately 11 people indicated that they were anchor-outs in Sausalito waters; approximately 2 people indicated that they were anchor-outs in County waters. In response to Councilman Huntting's inquiry as to how many of the anchor-outs now used pump-out facilities, the audience indicated that there were no pump-out facilities available at this time. Several people in the audience indicated that they

did have alternate sewage disposal systems which they used in order to avoid sewage discharge into the Bay. In response to Councilman Huntting's further inquiry, most audience members indicated that they would use pump-out facilities if they were available at no cost or at a nominal charge.

In response to Councilman Huntting's request, Supervisor Aramburu explained that no new regulations were imposed by the plan's policies. With respect to a power of veto through the joint powers agreement, the local governmental agencies could retain the right to veto measures over which they wished to retain local control. If the plan policies were adopted, obviously there would be no right of veto over those policies. However, at any time there was an attempt to impose an implementation measure which went beyond the findings and policies of the plan, the local governmental agency could retain the power of veto over such measure.

Councilman Huntting pointed out that if Sausalito withdrew from the plan, it would retain jurisdiction over those 22 vessels anchored-out in its waters and relocation of the Galilee Harbor Community. As a result, those vessels anchored-out in County waters would be governed by the County and the Cities of Mill Valley, Belvedere and Tiburon which had adopted the plan. He asked members of the audience to reflect on whether or not the County and the other cities would be as helpful or tolerant as Sausalito was proving itself to be in solving the problems of the anchor-outs.

With respect to finding No. 3 appearing on page 25, Councilwoman Sweeny asked the definition of the phrase "privately patented tidelands." Dusan Mills explained that "patented" referred to the method of granting title to these lands.

Mayor Rogers said she was opposed to Policy No. 1 (page 26) which required the removal of anchor-outs from the Bay. She advised that the anchor-outs could not move into existing marinas because these marinas were full. Although it was possible that anchor-outs could move into new marinas, the new marinas would probably be too expensive. The problem of an approved percentage of liveaboards in the City and the percentage of houseboats which could move into marinas had not yet been solved. It was her personal opinion that the Bay should be protected. She felt that the number of anchor-outs should be frozen, this number should be monitored, and the City should consider the human aspects of the anchor-out problem in dealing with that situation. She said she would support removal of anchor-outs through attrition with monitoring allowing some extended time period such as 5 or 10 years. In this way, the anchor-out use, which had been deemed incompatible with the public trust, would ultimately be eliminated while the lifestyle of this community would not be disrupted. She felt that because of the hardships of living as an anchor-out, the size of the community was unlikely to increase.

Councilman Taber added that at the meeting last week, representatives from Mill Valley, Tiburon, and Belvedere had spoken to the Council recommending that the Council adopt the plan as had been done in those cities. However, the problems in these other cities were substantially different from those in Sausalito. He thought that the problems of the anchor-out community were very serious and considerable time would be needed to solve these problems in a positive way. He was not sure that the anchor-outs should be removed at all, but that in any event, that problem should be solved by Sausalito alone or in conjunction with the jurisdictions within which the anchor-out community existed. He recommended assembling a group representative of, for example, marina owners, houseboat dwellers, anchor-outs, and other groups affected by this problem to discuss this matter and develop a satisfatory compromise. He added that at this point, he could not support any activity which arbitrarily dictated the elimination of the anchor-outs.

Councilman Huntting felt that this was an issue which involved the health, safety and welfare of the general public along with the sociological implications of a unique society residing on the Bay. Along with these issues, the public trust doctrine had to be considered, and in this connection, it was the use of the vessel which determined whether or not it violated the purposes of the public trust. He did not want to destroy the character of Sausalito and he had been supportive of the waterfront community. He had worked toward a viable working waterfront, but he also wanted a clean and safe bay.

Councilwoman Sweeny thought that the Council almost had no choice because the public trust prohibited residential use on the water. She felt that the Council must have a long-range view of the Bay and in the 30 years that she had looked at the Bay, it had changed dramatically. The Bay had become much more cluttered, congested and disorganized in many ways. She did not think these problems were self-monitoring and she felt that the City had a responsibility to consider the long view. She was sensitive to the social issues involved in removal of the anchor-outs; however, environmental and ecological issues must be considered as well. San Francisco Bay and Richardson Bay were resources of national significance and importance, and the Council must consider them as such. She felt it was vital to find a way to gradually comply with the terms of the public trust. In doing so, a way must be found to accommodate as many of the anchor-outs as possible on the shore; this was the long-range responsibility of Sausalito and the other affected jurisdictions. Additionally, there must be a transition period adopted in the implementation procedures to allow for accommodation of the anchor-outs in marinas.

Councilman Taber said that he was not saying that at some point in time, the anchor-outs should not be removed from the Bay; it was his contention that now was not the time to decide this issue. He felt that an effort should be made to work with the people directly affected by this issue to solve this problem. Councilwoman Sweeny pointed out that this was not a new issue; among others, efforts had been made in development of the Gates Coop to provide an affordable place for the houseboat community. Councilman Taber said there was a precedent for the proposal made by him in the negotiated agreement which had been reached with the Galilee Harbor community.

Councilwoman Peltz disagreed that the anchor-out issue was the same as the Galilee Harbor issue. She thought it was interesting that when Councilwoman Sweeny stated that she felt anchor-outs should be brought into marinas after a reasonable period of time, many members in the audience had responded "no" to this suggestion. She thought it was incorrect to say that this issue had never been discussed, or that people had not worked with the County government to solve the problems of the waterfront community, or that there had been no opportunities for solving the problems of the waterfront community, because these efforts had been made. However, regardless of these discussions or the solutions offered, many members of this community had chosen not to take advantage of the opportunities presented and had not cooperated in any way whatsoever with the governmental agencies involved. Notwithstanding, there had never been any question that residential use of the water was to be discouraged and serious efforts were made in attempting to deal with this problem. The issue of the anchor-outs was a very old issue and the dictates of the public trust were irrefutable: residential use of the water was not a public trust use. She felt that in making its decision on this subject, the Council should look to the welfare of the larger number of people.

Mayor Rogers moved, seconded by Councilman Taber, to approve policies No. 2, 3 and 4 and the footnotes under Residential Vessels and Floating Structures, and to reject policy No. 1 under this section; that a sub-committee be formed to commence development of new policies and procedures to address the anchor-out question, to establish the maximum number of anchor-outs which will be allowed on the Bay and an acceptable time period after which all anchor-outs will be removed from the Bay, and to present to the Council for ratifacation a statement of these policies and procedures. Mayor Rogers clarified that in establishing the time period for attrition and/or removal of the anchor-outs, it should be understood that it would take a number of years to achieve this end.

Mayor Rogers said she thought Councilman Taber's suggested approach to solving this problem was reasonable and would accommodate everyone's concerns. She felt that the concerns which had been expressed by Councilwoman Peltz and Councilwoman Sweeny about the public trust could be satisfied without causing human hardship and with the cooperation of the affected community and she thought that community would cooperate in these efforts.

Councilwoman Peltz said she was against the motion. There had been a clear indication that there were people who did not wish to bring their vessels into a harbor. She felt it was important to adopt policies which would be consistent with what had been adopted in other cities. It was clear that, if adopted, many of the policies would take a period of time to implement, i.e., establishment of the no-discharge area and construction of pump-out facilities

in order to qualify for the no-discharge area. It was known that the approved marinas would take a period of time to complete development, including development of pump-out facilities. There would undoubtedly be a couple of years within which the anchor-out problem could be resolved and she thought it was important that Sausalito, which needed the cooperation of the other affected jurisdictions, be forthright and cooperative in the adoption of the plan's policies; Sausalito was asking the County to study cumulative growth and was asking for a cooperative effort in establishment of criteria for planning, etc., and she thought the Special Area Plan was an excellent plan, it was reasonable, fair, and considering the time required for petitioning the federal government and construction of facilities, allowed sufficient time for anchor-outs to plan for the future.

Mayor Rogers pointed out that a vote to remove anchor-outs would commit hundreds of thousands of dollars for abatement. She could think of no less positive project to which tax dollars could be committed.

Councilman Taber agreed that the public trust and preservation of the environment were very important. However, his felt the human factor outweighed these concerns.

Councilman Huntting disagreed that relocation of the anchor-outs would necessarily involve abatement proceedings as mentioned by Mayor Rogers. Abatement proceedings would become necessary only if there were a determined resistance to relocation. He reiterated that this Council had been supportive of the waterfront community and was taking steps to confront the anchor-out question in a humanitarian way.

AYES: Councilmen: Mayor Rogers, Taber

NOES: Councilmen: Huntting, Peltz, Sweeny

Councilman Huntting moved, seconded by Councilwoman Peltz, to approve the policies contained under Residential Vessels and Floating Structures subject to the following conditions: (1) That policy No. 1 relating to removal of all anchor-outs from Richardson Bay be qualified to provide that all non-public trust use anchor-outs be removed from Richardson Bay within a reasonable time period; (2) That the Richardson Bay Special Area Plan support relocation of the Galilee Harbor liveaboard community into a marina within the boundaries of Sausalito according to the terms of the stipulated agreement between the City of Sausalito and the Galilee Harbor community; (3) That Sausalito will assist the 22 other anchor-outs located within City waters as indicated in the Special Area Plan to relocate into a marina or marinas on an informal and best efforts basis (similar to the effort made and to be made in connection with the Galilee Harbor community); (4) That pump-out stations will be installed in all marinas at the marina owners' cost, and that use of the pump-out facilities by marina berth-holders shall be at no charge or at a nominal charge.

Councilwoman Peltz advised that the Steering Committee had agreed that the jurisdictions involved in the plan should advocate state and federal tax legislation to benefit boat, marina, and yacht club owners in Richardson Bay who install and operate vessel sewage treatment facilities in furtherance of the Richardson Bay no-discharge area. She requested, and Councilman Huntting agreed, that such a provision be incorporated into the motion. In response to Councilman Taber's inquiry, Councilwoman Peltz explained that the purpose of such tax legislation would be to provide for tax credits to marina owners who install pump-out facilities which would provide an incentive to the marina owners to install such facilities.

Councilwoman Peltz requested, and Councilman Huntting agreed, that the motion provide that establishment of adequate pump-out facilities and the no-discharge area be accomplished within a reasonable time period (a couple of years).

Councilman Taber moved, seconded by Mayor Rogers, to amend the motion to provide that if anchor-outs are required to relocate, that the process required for such relocation not commence until after a period of 36 months. In response to Councilwoman Peltz's inquiry, Councilman Taber explained that he felt the members of the anchor-out community would need adequate time in order to make arrangements for relocating. He felt that if the anchor-outs

were going to have to relocate, the least that could be done would be to allow adequate time to accomplish this relocation.

Councilwoman Peltz thought it was crucial that efforts in Sausalito be coordinated with what was being done in other communities. In response to Councilwoman Peltz's question, Supervisor Aramburu felt that rather than providing for a specified time of 36 months to accomplish relocation, it would be more appropriate to provide that such relocation occur within the maximum feasible time consistent with the procedures to be invoked. Councilwoman Peltz agreed with this suggestion.

The vote on the amendment was as follows:

AYES: Councilmen: Taber, Mayor Rogers, Sweeny

NOES: Councilmen: Huntting, Peltz

In response to Chris Tellis' inquiry, Councilman Huntting explained that it was the intent of his motion that if the purpose of anchoring out an individual vessel was consistent with the public trust, such anchoring would be allowed. Carol Williams advised that one of the provisions of the implementation would be to establish an anchorage for temporary mooring of vessels and for storage on a temporary basis. In response to Councilwoman Sweeny's inquiry, Ms. Williams advised that the definition of "anchor-out" as contained in the plan definitions was a residential vessel used for residential purposes. It would be this use which the plan would preclude.

In response to Councilwoman Sweeny's request for clarification of the phrase "informal, best efforts basis," Councilman Huntting explained by example that presently, the City's zoning would not allow for relocation of the Galilee Harbor within the City. However, in that case, the Council was making efforts which would allow for relocation of Galilee Harbor as a residential waterfront community. It was this type of effort to which he referred in the motion.

The vote on the motion was as follows:

AYES: Councilmen: Huntting, Peltz, Taber, Sweeny

NOES: Councilmen: Mayor Rogers

NAVIGATION CHANNELS, MARINAS, ANCHORAGES, AND MOORAGES (con't)

Councilwoman Peltz moved, seconded by Councilman Huntting, to adopt policy No. 7 on page 21 of the plan.

AYES: Councilmen: Peltz, Huntting, Taber, Sweeny

NOES: Councilmen: Mayor Rogers

PUBLIC ACCESS, VIEWS, AND VISTAS

Councilwoman Peltz thought that the policies contained in this section were reminiscent of the goals of the City's Marinship Specific Plan. She saw nothing in these policies which would conflict with the City's goals and she urged their adoption.

Dusan Mills pointed out that policy No. 3 (page 31) made reference to the Schoonmaker property and he did not object to inclusion of this reference so long as it was recognized that the Council had spent the better part of 2 years in considering the conditional use permit which provided the public benefits on that property. Ms. Williams explained that the reference to the Schoonmaker property was by example only.

After some further discussion, Councilwoman Peltz moved, seconded by Councilman Huntting, to approve the policies under Public Access, Views and Vistas, eliminating the phrase "such as that on the Schoonmaker property in Sausalito" from policy No. 3 on page 31, contained in Part I of the Richardson Bay Special Area Plan. This motion was adopted unanimously without a roll call vote.

TIDAL RESTORATION AND MARSH ENHANCEMENT

Councilwoman Peltz moved, seconded by Councilman Huntting, to approve the policies under Tidal Restoration and Marsh Enhancement contained in Part I of the Richardson Bay Special Area Plan. The motion was unanimously adopted without a roll call vote.

PART II: THE SPECIAL AREA PLAN MAPS

Councilwoman Peltz moved, seconded by Councilwoman Sweeny, to adopt Part II, The Special Area Plan Maps, of the Richardson Bay Special Area Plan.

Councilman Huntting moved, seconded by Councilwoman Sweeny, to amend the motion to provide that The Special Area Plan Maps were approved subject to the following condition: Should the City implement any zoning changes favoring liveaboards, these changes would be reflected on the maps. The amendment to the motion was adopted by unanimous consensus of the Council.

Councilwoman Peltz's motion was unanimously adopted without a roll call vote.

Councilman Huntting moved, seconded by Councilman Sweeny, that Parts I and II of the Richardson Bay Special Area Plan be approved in concept, and that final approval would be contingent upon satisfactorily concluding a cooperative agreement with the other cities and the County regarding implementation and administration of the Richardson Bay Special Area Plan. Councilwoman Sweeny requested that in referring to the agreement, the phrase "mutually agreeable" precede the phrase "cooperative agreement" in the motion. Councilman Huntting agreed to this wording change.

In response to Councilwoman Peltz's question, Carol Williams advised that the other jurisdictions had procedurally adopted Parts I and II of the plan; Mill Valley had stated that it was concerned about sociological impacts of the plan and had requested a report on these impacts before addressing implementation procedures.

Councilman Huntting said that he had spoken with Councilmembers of the other cities involved and they had expressed feelings similar to those of the Sausalito City Council. In proposing his motion, he was trying to avoid the possibility of litigation resulting from disagreement over implementation of Parts I and II and to support local control issues.

The City Manager pointed out that obviously, Sausalito would not enter into any unacceptable agreement. Making the plan policies directly contingent upon reaching an agreement could create some operational problems. The City Council would under any circumstances retain the right to finally review and approve any cooperative agreement. In response to Councilwoman Peltz's inquiry, the City Manager felt that the City would be adequately protected by a restatement that the City of Sausalito, in adopting the plan's policies, was not obligating itself to enter into any cooperative agreement for implementation of these policies, unless such agreement was satisfactory to the City Council as a matter of policy and to the City Attorney as a matter of protection of the City's interests. Councilman Huntting commented that he would rather be confronted with procedural problems than legal problems. He added that he had discussed this matter with an attorney, not the City Attorney, and it had been felt that the City should have the protection afforded by his motion. He was concerned that in adopting the plan policies without the proviso contained in his motion, the City might incur a legal obligation to enforce these policies.

In response to Councilwoman Peltz's request, Councilman Huntting restated his motion as follows: Parts I and II of the Richardson Bay Special Area plan are approved in concept and final approval would be contingent upon satisfactorily concluding a mutually acceptable cooperative agreement with the other cities and the County regarding implementation and administration of the Richardson Bay Special Area Plan. Councilwoman Peltz suggested that the phrase "in concept" be eliminated from the motion. Councilman Huntting agreed to eliminating this phrase, so that the motion would read: Parts I and II of the Richardson Bay Special Area plan are approved subject to final approval of a mutually acceptable cooperative agreement with the other cities and the County regarding implementation and administration of the Richardson Bay Special Area Plan.

Ms. Williams commented that even though the City adopted the policies, there would be no way to carry out many of these policies until an implementation mechanism had been adopted. Supervisor Aramburu suggested that the City should accept the plan's policies as already voted upon with the notation that these policies will not be implemented nor shall Sausalito undertake any individual or collective action until after approval of implementation procedures. The City Manager pointed out that the City might elect not to enter into a joint powers agreement and might decide to implement certain of the plan's policies on its own. Additionally, the plan could be changed at any time by majority vote of the Council.

Councilman Huntting requested that the record reflect that his vote on the motion was based on what he considered to be appropriate protection for Sausalito.

Councilwoman Peltz thought it was very important that the City adopt Parts I and II of the plan without equivocation. Whether or not the City elects to enter into the joint powers agreement, the City would want to proceed to implement the same kinds of policies that the other cities were proceeding with. If Sausalito adopted policies inconsistent with policies of the other cities and the County, this would rapidly create serious problems for Sausalito. However, in adopting these policies, it should be made clear that Sausalito would only enter into a cooperative agreement if that agreement were satisfactory to the City.

Councilman Huntting clarified that his motion provided for moving ahead with the policies, and Sausalito's policies would not be inconsistent with those of the other jurisdictions. The motion only provided for extra legal protection should this be necessary

AYES: Councilmen: Huntting, Sweeny, Taber, Peltz, Mayor Rogers

NOES: Councilmen: None

Mayor Rogers requested that her vote reflect her dissenting vote on two of the policy questions discussed earlier (No. 1, page 26, and No. 7, page 21).

It was the consensus of the Council to direct staff to prepare a resolution incorporating the Council's action tonight to be presented to the Council for final adoption at the Council meeting of November 8, 1984.

Supervisor Aramburu thanked the Council for the manner in which it had dealt with this difficult issue and said he appreciated the difficulties involved. He added that he was sympathetic to the points of view and concerns which had been expressed tonight.

There being no further business, Mayor Rogers adjourned the meeting at 12:22 A.M.

Respectfully submitted,

Allene H. Cronin
Recording Secretary

Approved: November 27, 1984

Tiburon
PLANNING COMMISSION MINUTES 6/28/84

1. FILE NO. SC-99013 - RICHARDSON BAY SPECIAL AREA PLAN

It was announced that Carol Williams from the County of Marin and Jeffrey Blanchfield from the Bay Conservation and Development Commission were present to answer any questions regarding the plan, previously submitted to the Commission. Director Hanna stated that the plan as presented was the result of many meetings with the cities of Belvedere, Mill Valley, Sausalito and the Town of Tiburon and the County of Marin. The Special Area Plan sets forth policies that, if adopted by the local jurisdictions, the County and the Bay Commission, become the guidelines for the future of Richardson Bay.

Director Hanna stated that staff recommends the Commission consider the environmental impact of the plan and, if appropriate, approve a Negative Declaration of Environmental Impact; adopt the plan, and approve an amendment to the Tiburon Open Space Element of the General Plan in order to reflect the effect upon Tiburon of the Richardson Bay Special Area Plan.

Director Hanna added that the Planning Commision should recommend that the Richardson Bay Special Area Plan dated April 19, 1984 be included as an attachment to the Town of Tiburon's Open Space Element as a reference guide in addition to the three existing references and that a new paragraph be added to the Open Space Element on page ii, under "Conclusions and Recommendations" as follows:

"Richardson Bay is a unique and valuable scenic and natural resource. The study prepared in April, 1984 is attached for reference purposes as part of this Open Space Element. The policies of the Richardson Bay Special Area Plan are appropriate to ensure the continued enjoyment of Richardson Bay as an Open Space resource. All water area within the Town's boundaries has been designated a P (Parks and Open Space) Zone in order to maintain compatible development in areas used for Open Space Reserves and to ensure uses consistent with the unique qualities of the Bay. The zoning regulations are consistent with the intent of the Special Area Plan. The Plan should serve as a valuable guide for the Town when considering any activities in the Bay that will have an effect on the Town of Tiburon."

Commissioner Malott said he believed the plan did not address several problems. He stated that he lives on Greenwood Beach Road along Richardson Bay and is concerned that the Audubon Society prohibits the use of the water adjacent to his home during many months of the year because of the presence of the migatory birds in the waters. Commissioner Malott thought that the plan should address this situation since other residents along Greenwood Beach Road also are concerned. He described the continuing problem of siltation happening in Richardson Bay and the problem of debris being washed up near the

(more)

shoreline coming from other areas, mainly from Sausalito. Commissioner Malott suggested that dredging be done along the shoreline. He stated it is important that small boats have some access to the Bay and this could be accomplished if previously located channels that have not been dredged for a long time could be dredged and then utilized for access to the water for small boats. Mr. Blanchfield of BCDC stated that dredging was extremely expensive especially because of the problem of disposal of the materials after dredging.

Commissioner Davoren stated that he found the plan to be excellent. Commissioner Callister thought that the matter of noise should be addressed, especially noise from power boats.

Carol Williams of the County stated a cooperative agreement of the five local jurisdictions should be formulated to deal with the problems of local governments. The specific problems and concerns expressed by Commissioner Malott could be dealt with by a committee made up of representatives of all the local jurisdictions involved in the plan.

Commissioner Davoren stated that he found the plan to be excellent. Commissioner Callister thought the the matter of noise should be addressed, especially from power boats. Carol Williams stated that speed limits for boats was addressed in the plan.

The Commission agreed that since two of the Commissioners had not had the opportunity to thoroughly review the plan, the plan could be forwarded to the Town Council and then referred back to the Planning Commission. Should the Commission have any additional comments, they could be forwarded to the Council at the second hearing of the plan on July 18, 1984.

Motion by Malott and seconded by Rolph

The plan should be forwarded to the Town Council for review but returned to the Planning Commission on July 11, 1984 for further study.

AYES: Malott, Rolph, Callister, Davoren
NOES: None
ABSENT: Pringle, Levy, Masterson

4. RICHARDSON BAY SPECIAL AREA PLAN
   a. Receive Planning Commission Recommendations
   b. Amend Open Space Element

Planning Director Hanna reviewed the Staff report and stated he had been advised by the Town Attorney that an ordinance was not necessary to amend the Open Space Element of the General Plan, that it could be done by resolution. Mr. Hanna stated that the Planning Commission had requested additional information and would review the item at their next meeting. Their final recommendations would return to the Town Council on July 18, at which time the Council could consider the resolution amending the Open Space Element of the General Plan.

The Planning Director stated that the Planning Commission had approved the Negative Declaration of Environmental Impact for the amendment to the Open Space Element.

The Mayor opened the public hearing.

Beth Honig, Director of Richardson Bay Wildlife Sanctuary, on behalf of the National and Marin Audubon Society, read a letter to the Council urging adoption of the Plan.

Ralph Melick, 640 Tiburon Boulevard, commended Council for clean-up of the Richardson Bay shoreline by Marin Conservation Corps.

The Mayor closed the public hearing.

MOTION: To adopt the Negative Declaration of Environmental Impact for the amendment to the Open Space Element.
Moved: Spratling, Seconded by Bergmann
Vote: AYES: Unanimous
ABSENT: Coxhead, Stein

Councilman Spratling asked why the Plan did not include grey water. Councilman Bergmann stated it was a compromise situation since it would have required all boats to have two storage tanks. Ms. McCart stated the Water Quality Control Board had initially recommended grey water be included, however had withdrawn this recommendation.

11. RICHARDSON BAY SPECIAL AREA STUDY (Initial Presentation and Implementation Schedule)

The Planning Director stated the study had been completed and adopted by the Special Area Study Committee and was being presented to the local jurisdictions for approval. The Study is to be referred to the Planning Commission and returned to the Town Council in July. The Plan would require modification of the Open Space Element of the Town's General Plan.

The Mayor opened the public hearing.

Supervisor Al Aramburu stated the Study was before the four local jurisdictions (Tiburon, Belvedere, Mill Valley and Sausalito), Marin County and BCDC. Supervisor Aramburu stated the Study defines specific uses and proscribes uses not allowed in Richardson Bay. There had been 13 public hearings over a two year period.

Councilman Spratling stated he strongly supported the concept, and recommended some areas could be stronger, such as changing the wording from "should" to "shall". In response to Councilman Coxhead, Supervisor Aramburu stated the Water Quality Control District had changed their mind and determined that "grey water" was not detrimental to fish.

The Council congratulated Supervisor Aramburu on his re-election, and he thanked them for their support.

PLANNING COMMISSION MINUTES 498

JULY 11, 1984
7:30 P.M.

RESOLUTION NO. 396
HILARITA COMMUNITY ROOM
100 NED'S WAY, TIBURON

I. ROLL CALL: Present: Chairman Pringle Commissioners: Rolph, Davoren, Callister, Masterson

Absent: Commissioners: Malott, Levy

II. APPROVAL OF MINUTES:

Minutes No. 497 of May 23, 1984 - Minutes No. 495 of 4/11/84
add that Commissioner Rolph abstained from approval of the minutes
Motion by Rolph and seconded by Masterson

To approve the minutes of May 23, 1984 as amended.

AYES: Callister, Rolph, Masterson, Pringle
NOES: None
ABSTAIN: Davoren
ABSENT: Malott, Levy

III. PUBLIC QUESTIONS AND COMMENTS:

There were no public comments at this time.

IV. BUSINESS OF THE COMMISSION:

1. FILE NO. SC-99013 - RICHARDSON BAY SPECIAL AREA PLAN

Director Hanna gave a review of the status of the Richardson Bay Special Area Study. The Plan was continued from the previous Planning Commission meeting and redistributed to all Commissioners, along with the background reports. Staff recommendation is that the Planning Commission adopt a Resolution recommending that the Town Council adopt the Richardson Bay Special Area Plan as the specific plan for the Town of Tiburon.

The Richardson Bay Special Area Study consultant, Martha McCart, was present and noted that a grant had been received to pursue the next step of the Richardson Bay Special Area Plan which would be to proceed to the implementation stage by preparing an agreement to be reviewed by all of the affected agencies. During the discussion by the Commissioners, Commissioner Callister noted his concern about another layer of government being proposed by the plan. He believed the plan should be as simple as possible. The public hearing was opened.

Elva Edger, representing the League of Women Voters, read a letter of support for the Richardson Bay Special Area Plan and urged adoption by the Planning Commission and the Town Council.

Barbara Sousman of the Marin Audubon Society noted the Society's support of the plan and urged the adoption of the plan by the Planning Commission and Town Council.

There being no further comments the public hearing was closed.

Commissioner Callister was concerned with the implementation of the plan. He believed that if the plan were strictly interpreted that there could be problems presented with the wording. He hoped that the implementation would not result in strict interpretation and, therefore, bad planning as a result of the plan. Consultant McCart indicated the effect of the plan on the Town is not significant inasmuch as much of the waterfront area is in public

ownership. Commissioner Callister was concerned with the wording about the public access system and his concern that if it were strictly interpreted, all projects would require access along the waterfront when it may be inappropriate or impractical. It was commented that the plan refers to a public access system but does not specifically refer to access all along the Bay. Commissioner Callister indicated his belief that specifics should not be included in the plan but it should be a general document.

Commissioner Davoren supported the plan. He believed it was the result of an enormous effort and a first step at preserving a unique and valuable asset to the Bay. He believed the plan was well thought out and well prepared.

Commissioner Rolph noted the previous Planning Commission discussion about debris that is collected on the Tiburon side of Richardson Bay as a result of activities over which Tiburon has no control. It was noted that the implementation phase of the plan would include a joint cooperative effort to take into account the concerns of all the affected agencies surrounding Richardson Bay.

Chairman Pringle noted that the matter would be considered by the Town Council at its next meeting and any concerns of the Planning Commission that were strongly held could be referred to the Council in writing.

The Commissioners then discussed more aspects of the plan including the recommendation for the adoption of a Negative Declaration of Environmental Impact for the plan.

Motion by Davoren and seconded by Rolph

To adopt a Negative Declaration of Environmental Impact for the Richardson Bay Special Area Plan.

AYES: Callister, Rolph, Masterson, Davoren, Pringle
NOES: None
ABSENT: Malott, Levy

Motion by Masterson and seconded by Davoren

To adopt the maps as part of the Richardson Bay Special Area Plan.

AYES: Callister, Rolph, Masterson, Davoren, Pringle
NOES: None
ABSENT: Malott, Levy

Motion by Rolph and seconded by Masterson

To adopt the Richardson Bay Special Area Plan in principal and in totality but with the understanding that there is some concern that the specifics of the plan are guidelines and not intended to be strictly adherred to.

AYES: Rolph, Masterson, Davoren, Pringle
NOES: Callister
ABSENT: Malott, Levy

2. FILE NO. U-22846 - REQUEST APPROVAL OF A CONDITIONAL USE PERMIT FOR A 2ND UNIT - 665 Hilary Drive - (John and Ellen Rising)

The applicants, Mr. and Mrs. Rising were in the audience and requested that the Planning Commission accept the withdrawal of their application for a second unit. The Planning Commission did accept the withdrawal of their application.

3. FILE NO. U-22849 - REQUEST APPROVAL OF A CONDITIONAL USE PERMIT AND VARIANCE TO ESTABLISH A SECOND UNIT AT 70 ROWLEY CIRCLE (Reza Hakami - Applicant)

This item was continued to the next regularly scheduled Planning Commission meeting of July 25, 1984.

E. PUBLIC QUESTIONS AND COMMENTS

There were none.

F. CONSENT CALENDAR

Mayor Smith called attention to the resolutions of appreciation which expressed the Town's gratitude for the wonderful Anniversary/Centennial celebrations.

Former Mayor Bran Fanning, Chairman of the Anniversary/Centennial Committee noted there were over 100 people involved in making the celebrations a success.

Former Mayor Kirk Hanson thanked the Council for the support given the Committee and Town Staff for their amazing job of coordination during the various events, especially Alan Nadritch. Mr. Hanson read a Resolution passed by the Committee in appreciation to Alan Nadritch for his outstanding contributions and presented Mr. Nadritch with a framed copy of the resolution.

Lou Brunini commended The Innisfree Companies, Inc. and Carl N. Swenson, Inc. for their cooperation in making the site for the tent available.

MOTION: To approve the Consent Calendar consisting of the following items:

1. 1984 TIBURON ANNIVERSARY/CENTENNIAL CELEBRATION
   a. Resolution of Appreciation to Tiburon Anniversary Committee
   b. Resolution of Appreciation to Belvedere/Tiburon Landmarks Society, B. Meyers and Maria Woodward
   c. Resolution of Appeciation to the Belvedere/Tiburon Chamber of Commerce
2. NOTICE OF COMPLETION (2 Place Moulin - Resolution)
3. CLAIM AGAINST THE TOWN (Belvedere Land Comapny - Recommend Denial

Moved: Spratling, Seconded by Bergmann
Vote: AYES: Unanimous

G. PUBLIC HEARINGS & BUSINESS ITEMS

4. RICHARDSON BAY SPECIAL AREA PLAN

The Planning Director reviewed the Staff report, and letters from Warren Callister, Tiburon Planning Commissioner, and Judith Bang, Marina Plaza Harbor Special Federal Anchorage.

In response to Councilman Coxhead, the Planning Director stated the Plan only included Richardson Bay waters.

The Mayor opened the public hearing.

Martha McCart, County Consultant, reviewed the membership of the Advisory Committee, the number of public hearings and five background reports which were summarized in the Plan. The Committee urged the adoption of the Plan in its entirety; they were working to develop a cohesive enforcement plan; the Plan was not intended to override any local zoning or land use policies.

Elva Edger, League of Women Voters, read a letter to the Council urging adoption of the Richardson Bay Special Area Plan.

Warren Callister, as a private citizen, expressed his concern about the aesthetics, historical uses of the Bay and preservation not covered in the findings or policies of the Plan and urged that these policies be developed. He also expressed concerns

Tiburon

regarding continuous public access as referenced in the Plan and felt the Plan was too specific.

Ms. McCart stated the historical and archaeological concerns were covered in great detail in the first background report. Ms. McCart stated perhaps the wording of the first item in public access polices is a little ambiguous and could be clarified. She suggested "unified public access system" and deletion of the word "continuous".

Discussion ensued regarding the Alan Thompson Walkway around the Tiburon downtown waterfront from the ferry pier to the Corinthian Yacht Club. It was pointed out that the walkway was already included in the Tibuorn Downtown Plan and that's why it was included in the Richardson Bay Special Area Plan.

The Mayor closed the public hearing.

Councilman Spratling suggested that comments such as Mr. Callister's be included as an addendum to the Plan. Ms. McCart agreed and stated comments and minutes of meetings could be included in an addendum to the Plan. Mayor Smith suggested that an appendix should include only official actions of the jurisdictions involved.

Councilman Spratling supported Mr. Callister's comments regarding the traditional and historic uses of the Bay, however, he disagreed with his other comments. Councilman Spratling supported having specificity in the Plan to give direction to those who would enforce the Plan. Councilman Spratling stated he had previously expressed concern that so much of the Plan was in recommended form and not mandatory. He did not support the deletion of the word "continuous" because it was a "should be" recommendation.

Councilman Spratling requested the Minutes record that "The only reason Councilman Spratling was voting for the Plan with respect to no prohibition on grey water discharge was because of what our representatives to the planning body, namely, Valerie Bergmann and Martha McCart have explained to the Council in terms of the political realities of this situation, that is, if that were inserted in the Plan, the Plan would fail; that perhaps not any jurisdictions would vote for it and we would lose the cross-section of support we apparently have". Councilman Spratling agreed with the League of Women Voters, the Sierra Club and other environmental groups and felt grey water would have to be enforced in the future.

Councilman Coxhead questioned the timing schedule for adoption of the Plan, and Ms. McCart responded that BCDC would like to adopt the Plan in September and was hoping local jurisdictions would have completed the adoption process by then.

Councilman Coxhead stated he hadn't had enough time to review the Plan and asked the Council to continue adoption to August 1, 1984.

The other Councilmembers expressed their desire to proceed with the adoption of the Plan.

Mayor Smith stated he agreed with the addendum to the Plan, and also supported deletion of the word "continuous". Councilman Spratling stated deletion of the word "continuous" would cause a conflict with BCDC policy.

Ms. McCart suggested adoption of the Plan as presented, but with a request to clarify the intent at the implementation stage. Ms. McCart suggested there could be a cover letter to the Plan listing clarifications.

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
30 Van Ness Avenue, San Francisco 94102 557 - 3686

TO: All Commissioners and Alternates
FROM: Alan R. Pendleton, Executive Director

SUBJECT: APPROVED MINUTES OF JUNE 7, 1984

1. Call to Order. The meeting was called to order by Chairman Robert R. Tufts, at 1:15 p.m., in Room 1194, State Building, 455 Golden Gate Avenue, San Francisco.

2. Attendance. Present: Chairman Robert R. Tufts and Vice Chairman John Dustin, Commissioners Aramburu, Bachtold (represented by Alternate Dowd), Brann, Dedrick (represented by Alternate Jones), DeLutis, Eshoo, George (represented by Alternate Fraley), Kondylis, Lee (represented by Alternate Fong), Lepore, McCollum, McKenna (represented by Alternate Bury), Mills, Osborn (represented by Alternate Pachl), Otsea, Silver, and Siracusa. Absent: Commissioners Adams, Fahden, Gutierrez, Legan, Ogawa, and White.

17. Briefing and Public Hearing on the Recommended Richardson Bay Special Area Plan. The staff will present a briefing on the recommended Richardson Bay Special Area Plan and the public hearing on the recommended Plan will be opened. The hearing will be continued to the Commission's regularly scheduled meeting on June 21, 1984, and to a special scheduled meeting on June 28, 1984.

Chairman Tufts thanked all the Commissioners, past and present, who participated in preparing the Plan.

Commissioner Aramburu thanked former Vice Chairman Schiller, Barbara Kondylis, and Barbara Eastman for serving on the Steering Committee, as well as the representatives from the four cities. He noted there were 13 hearings, with the last three meetings running a total of 15 hours. He thanked Bob Olson of the Pacific Inter-Club Yacht Association, the Regional Water Quality Control Board, and the EPA, as well as the San Francisco Foundation, which contributed $62,000 for financial assistance. He also thanked Margit Hind and Jeffry Blanchfield of the BCDC staff for their work.

Mr. Aramburu stated that current law does not allow for the kind of local government management of Richardson Bay that the Committee wanted to achieve. Because of the U. S. Coast Guard has designated Richardson Bay a special anchorage, local government is preempted from regulating residential vessel anchoring and length of stay. One of the recommendations in the Plan is to request the Coast Guard to amend its regulations to include the authority of local government anchorage regulations in Richardson Bay.

Another important recommendation of the Plan was for the local governments to ask the Regional Water Quality Control Board to petition, through the State Board, the Environmental Protection Agency to designate Richardson Bay as a vessel sewage no-discharge area.

Commissioner Aramburu also stated that the County of Marin and the Cities of Sausalito, Mill Valley, Tiburon, and Belvedere accepted the report and referred it to their planning commissions.

Commissioner Aramburu thanked all the members of the 50-person Advisory Committee appointed to assist the Steering Committee.

Mr. Hans Schiller, former Vice Chairman of BCDC and one of the Commission's three representatives to the Steering Committee, noted that both he, Commissioner Kondylis, and former Commissioner Eastman, appreciated representing the Commission on the Steering Committee.

He gave a brief outline of the history and the reason the Plan came into existence. He commended Commissioner Aramburu for his outstanding leadership on the Steering Committee. Mr. Schiller stated that a great many hours were spent listening to every point of view.

Mr. Schiller stated the Steering Committee voted unanimously to recommend the Plan to the Commission and to the Cities and to the County to be adopted. He urged adoption of the Special Area Plan by BCDC as an amendment to the Bay Plan. He also thanked the BCDC staff and County staff and consultants for their excellent work.

Chief Planner, Jeffry Blanchfield, then gave a slide presentation, outlining the important policies and recommendations of the Plan.

Chairman Tufts announced that the hearing will be continued to the June 21 and June 28, 1984 meetings and that this time was set aside for any members of the public wishing to testify who could not be at the forthcoming meetings. There was no public testimony offered.

Chairman Tufts thanked all the participants on the Richardson Bay Special Area Plan Committees. He also announced that there would be a 3-minute limit on the speakers at the next public hearing.

18. Adjournment. There being no old or new business, the meeting adjourned on a motion made by Vice Chairman Dustin, seconded by Commissioner Bury, at 5:26 p.m.

Respectfully submitted,

ALAN R. PENDLETON
Executive Director

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
30 Van Ness Avenue, San Francisco 94102 557 - 3686

TO: All Commissioners and Alternates
FROM: Alan R. Pendleton, Executive Director

SUBJECT: APPROVED MINUTES OF JUNE 21, 1984

1. Call to Order. The meeting was called to order by Chairman Robert R. Tufts, at 1:15 p.m., in Room 1194, State Building, 455 Golden Gate Avenue, San Francisco.

2. Attendance. Present: Chairman Robert Tufts and Vice Chairman John Dustin, Commissioners Aramburu, Ayres, Brann, DeLutis, Eshoo, Fahden (represented by Alternate Dehaesus), George (represented by Alternate Fraley), Kondylis, Lepore, McCollum (represented by Alternate Timmerman), McKenna, Mills, Ogawa (represented by Alternate Gill), Osborn, Otsea, Silver (represented by Alternate Cuneo), and Siracusa. Absent: Commissioners Adams, Bachtold, Dedrick, Gutierrez, Lee, Legan, and White.

13. Continued Public Hearing on the Recommended Richardson Bay Special Area Plan. The Commission will continue the public hearing on the recommended Richardson Bay Special Area Plan. The hearing will again be continued to the Commission's specially scheduled meeting on June 28, 1984.

Chairman Tufts apologized for having to limit speakers to three minutes each because of the number of speakers.

Commissioner Kondylis asked staff whether BCDC would increase its jurisdiction or authority if the Richardson Bay Special Area Plan is adopted and fully implemented. Mr. Pendleton replied that the Commission will not be increasing its jurisdiction and has no authority to do so, since only the Legislature can grant authority over jurisdiction. However, BCDC will make some policies clearer and more specific for particular areas; and, therefore, this will have the impact of allowing people to know ahead of time what action is likely to occur when permit applications are submitted to the Commission.

MOTION: Commissioner Kondylis moved, seconded by Commissioner Aramburu, that if Commission attendance fell below a quorum, the Commission would convene as a Special Committee to continue the agenda.

VOTE: The motion carried unanimously by voice vote.

Mr. Robert Olson, speaking for Niels Anderson, Commodore of the Pacific Inter-Club Yacht Association, representing 88 yacht clubs and comprised of more than 12,000 boating families, submitted copies of the positions that the Assembly of Delegates of the Yacht Clubs adopted, as well as a position that the Board of Directors adopted. Briefly stated, PICYA is not concerned with houseboats; secondly, the Commission should not regulate the use of accommodations of vessels used for navigation; thirdly, PICYA contends that BCDC does not have the authority under its enabling legislation to regulate such vessels; fourthly, purely residential vessels should not be permitted in recreational marinas; fifthly, restriction of graywater from vessels is prohibited by law. He said the Richardson Bay Special Area Plan is

marginally acceptable, since there are some very special problems in Richardson Bay. Commissioner Kondylis commented that the Plan says only that the quality of the water should be monitored with respect to graywater but not controlled.

Commissioner Fraley inquired what constituted a navigational vessel. Mr. Olson told him a vessel was anything that floats; a navigational vessel is anything that can be moved. A houseboat which is permanently moored is not considered navigational.

Commissioner Siracusa stated that there were some boats capable of navigation that are not used for that purpose but as live-aboards, which may be moved around every 30 or 90 days to give the appearance of being boats used for navigation. Mr. Olson felt those were not vessels used for navigation but were occupying marina berths that really should go to recreational boats.

Commissioner Kondylis noted that anchor-outs, live-aboards, and vessels used for navigational purposes are defined on page 2 of the Richardsn Bay Special Area Plan.

Mr. Doug Faulkner, Vice-Commodore of Pacific Inter-Club Yachting Association (PICYA), which represents probably 125,000 people involved in water sports, said all members were very interested in the Plan. He thanked the Richardson Bay Special Area Plan Steering Committee and BCDC staff for listening to his Association's concerns about certain aspects of the Plan. PICYA recognizes special problems exist in Richardson Bay and that PICYA's concern is with navigational vessels and facilities for their accommodation. He felt non-navigational uses of Richardson Bay are subject to local controls, which should be vigorously enforced. PICYA believes that the Plan recommendations may be a major detriment to the recreational boaters, such as (1) the changes in Coast Guard anchorage regulations; (2) establishment of Federal no-discharge zone, and (3) possible restrictions on vessel graywater discharge. He asked to continue the hearings beyond June 28, 1984, to the meeting of July 19, 1984, to continue more of the discussions. He asked for the opportunity to have corrected findings be placed in the record, and contrary facts to support a claim of arbitrary, capricious findings, if necessary, in future proceedings.

Commissioner Kondylis noted that, in a letter dated June 19, 1984, signed by several Waldo Point Harbor residents, they mention that "the lines from the anchor-outs are now so confusing that it is impossible to sail into our own harbor. We have to power in very slowly on a zig-zag course, and navigation at night is almost impossible." Mr. Faulkner answered that he had not encountered this problem, but he felt it should be taken care of locally.

Commissioner Otsea wanted to know whether Mr. Faulkner had enough time to express his concerns to the Special Area Plan Steering Committee, to which Mr. Faulkner replied that PICYA did, but now that the findings are different and the report has come up with some new innuendos, PICYA wished to address these changes and wanted to have some time on July 19, because many people were not currently available because of vacation schedules.

Chairman Tufts suggested taking a Commission vote at the next meeting with regard to the request.

Mrs. Margot J. Brown, a recreational boater and medium distance cruiser, called the Commission's attention to its staff's "obsession" with so-called live-aboards, which she did not consider to be a popular life style, due to very cramped and expensive accommodations, with a considerable turnover among those people who live on their boats. Boats going either north or south are anchored in Richardson Bay, using the area as a harbor of refuge, to refurbish and repair their boats. They add to the local economy, have no cars to pollute the environment or add to parking problems. Virtually all owners of vessels used for navigation live aboard their boats at some time, that is why they bought that type of boat in the first place. The few owners who violate city or county ordinances should be cited and prosecuted. She asked the Commissioners to refrain from attempting to control vessels used for navigation.

The Commission lost a quorum at this point. Chairman Tufts adjourned the regular Commission meeting; and convened the Special Committee comprised of Commissioners Aramburu, Dehaesus, Eshoo, Fraley, Kondylis, Lepore, McKenna, Mills, Otsea, Siracusa and Chairman Tufts.

Mr. Wally Mays, representing Sausalito Environmental Action, indicated he had lived on the waterfront for 30 years in the Richardson Bay area. He said he had personally posted speed limit signs to regulate boat speeds in the channel, for the use of the general public and particularly for the small boats. He also obtained BCDC permission to put in three channel markers at the Clipper Yacht Harbor. He discussed the extensive arguments that had gone on to rid the Bay of various wreckage, and yet nobody had arrived at a plan that works. Sausalito Environmental Action is planning to preserve a beach for water contact sports in a marina soon to be built, to accommodate cruising sailboats. In the Dunphy Park area, it is planned to provide dinghy landings for the recreational anchor-outs, as well as trying to accommodate the fishing industry. Sausalito's waterfront plan specifies a diversified waterfront, which is to encompass all uses related to water. He said the Special Area Plan had to be put in place with the Governor's plan to put in the peripheral canal and suck out 5,000 acre feet of water, at the same time that the San Joaquin Valley is looking to put in place the San Luis drain to dump contaminated water at Martinez, which will make all the improvements which have been accomplished to no avail.

Mr. Larry Kolb, staff member of the Regional Water Quality Control Board, noted that BCDC, together with local governments, are the only parties who are in a position to do anything about the water quality in Richardson Bay. He said that staff supports the Special Area Plan; over $40,000,000 is being spent to control sewage pollution in Richardson Bay, and the only remaining source of sewage is houseboats and live-aboards. One person putting raw sewage into the Bay causes as much pollution as 10,000 people whose sewage passes through a sewage treatment plant. He commented that the Plan had been weakened in a couple of important respects to meet the boating interests' objections. It mandates no specific controls over graywater, where much toxicity and sewage is contained; soap and detergent residue kill fish, so the Plan is significantly weaker than the original version. Also, it does not require sewage from live-aboards to be hooked up to a swer system but allows use of pump-out stations. However, he believed the Plan to be a big improvement over what is currently happening, and for this reason, the staff of the Board urges its adoption. The Board, after the Commission adopts the Plan, will then implement the discharge prohibition. In answer to

Commissioner Siracusa's question, he stated if the Board did not adopt the discharge prohibition, the Plan, insofar as water quality is concerned, is a waste of paper.

Commissioner Aramburu said that the ultimate enforcement of the Plan will be strictly through the county and the four jurisdictions.

Mr. Ed Stewart, Director of Environmental Health for Marin County, noted that the Marin County Health Department wholeheartedly supported the comments made by Larry Kolb of the Regional Water Quality Control Board. He told the Commission the County Health Officer wanted to be on record that he cannot and does not condone graywater discharges.

Mr. J. Thomas Kornrumpf, a conforming houseboat owner at Waldo Point, commented that Marin County started addressing the question of anchor-outs in earnest in 1968, with the resulting adoption of the Houseboat and Marina Ordinances, which were intended to bring houseboat properties in Marin into conformance with minimum zoning, health and safety standards. He advised that his June 19 letter touched on some of the problems, and discussions may be continued and infinitum, but the legal boat owners wanted criminal law enforced on the water as well as on the land with the same vigor.

Ms. Jane Piereth, a Waldo Point resident and neighbor of Mr. Kornrumpf, indicated they had lived there for six years and are in compliance with all County rules. She is the Director of Sailing Programs for the Oceanic Society and runs classes for beginning sailors on Richardson Bay between the A Dock and Strawberry Point. She mentioned she was also a petty officer in the Coast Guard Reserve unit responsible for Richardson Bay. She said the Coast Guard enforcement of marine sanitation device laws is extremely low priority, and that the Coast Guard is primarily concerned with search and rescue missions. In teaching sailing classes for six years, she has had a good opportunity to watch anchor-outs come and go; and there has been a proliferation of all types of structures anchored in the Bay, any of them built in violation of stop work orders by the Building Inspector of Marin County. The area is studded with floating junk, anchor lines going all directions are not marked, and this has caused numerous accidents to small boats. As a resident of Waldo Point Harbor, she felt that current regulations about MSD's should be enforced, and with the proposed action on anchor-outs vague and unenforceable, legitimate sailors are being brought into a program dealing with the proliferation of boats in Waldo Harbor in the last six years, with no instruction as to who is to physically remove all the floating junk when the question of which anchor-outs go where is resolved.

Commissioner Aramburu inquired whether the Coast Guard had any rules, regulations, or legislation that would empower it to police MSD's. Ms. Piereth replied that she had been told that the Coast Guard has jurisdiction for regulating marine sanitation devices, but has never gone into the Bay with the specific purpose of checking sanitary devices. Ms. Piereth said she had no personal knowledge. Commissioner Aramburu assured her there is no way Waldo Point Harbor can be forced to accept any more boats, BCDC authorized 265 berths, which was modified to 245 in 1971, which are all occupied or under ownership, and there is no intention to force increased density.

Commander J. David Spade, Planning Office for the Twelfth Coast Guard District, emphasized that the opinions expressed by the previous speaker were her own personal opinions and do not represent the position of the Twelfth Coast Guard District Commander. Commander Spade did not necessarily disagree specifically with anything Ms. Piereth said. Commissioner Aramburu remarked that one of the most popular misconceptions is that local government can indeed, in the special anchorage, have some kind of legal enforcement mechanism, but they are barred by Federal law from inspecting sanitation devices and mooring berths. Commander Spade affirmed this and said there is a specific provision of Federal law which preempts anyone other than the Federal Government from setting standards that are stricter than Federal law. This was designed so boaters would not have a problem in going from one jurisdiction to another that might have different standards. Although the Coast Guard has law enforcement authority, it does not have the resources to enforce all of the laws it is charged with, and so the previous speaker was correct that there are certain priorities for the Coast Guard. However, the Coast Guard can be petitioned to modify the charts so that they indicate there are local restrictions on anchorages, and has indicated a willingness to be petitioned. Commissioner Aramburu thanked Commander Spade and said this was the recommendation of the Plan. In answer to Commissioner Siracusa's question, Commander Spade indicated that, as a matter of resource limitation, marine sanitation device inspection has to be incidental to some other action being taken. Replying to Commissioner Eshoo, he thought it would be unlikely that the Coast Guard would ever send a patrol boat for the purpose of checking MSD's. To Commissioner Fraley's query, Commander Spade replied that the Coast Guard is always willing, in special circumstances, to make itself available to inspect boats.

Commissioner Aramburu stated that the Coast Guard will be petitioned to reduce the special anchorage, and those areas not in the special anchorage would be under the control of local regulations and not preempted. Commander Spade indicated that, if the Coast Guard were asked to send a boat to check on a problem of non-compliance with the law, provided the resource was available, the Coast Guard would try to send the vessel up there and also provide transportation to other law enforcement agencies who need to go out to enforce local laws. One of the Coast Guard's major missions is cooperation with State and local officials in the protection of their responsibilities.

Mr. Gerald Borkenhagen, a houseboat owner on Dock A of Waldo Point Harbor, noted that there is language in the Richardson Bay Special Area Plan which says that the Gates Cooperative Project will be an expansion of the existing project and therefore exempt from the ban on future houseboat marinas, but that this is being treated by the Marin County Planning Department as a separate project with a new EIR and has to go through the complete planning process. He received a response to his letter, indicating that thereference to the Gates Cooperative proposed small boat is intended only for illustrative purposes and not a policy. He wondered if this was so, why the language is continued in the report. It appears on page 27 in a footnote. Mr. Blanchfield responded that he had written this letter, which was to point out that the Gates Cooperative Project is a current proposal and not the policy of the Plan to say that this particular project or any other project that might come along would be consistent with the Plan, but that any project--if the Plan is adopted by the Commission and the local agencies--would have to be consistent with the policies of this Plan and measured against the policies of this Plan.

Ms. Margaret K. Zegart, speaking on behalf of the Almonte Improvement Club, commented that all the area in the County, within the original Mt. Tamalpais Game Refuge, and originally the entire Bay, were State wildlife reserves. As cities came, the jurisdiction transferred to the cities, and she felt this should be made clear in the report on page 9. On page 43 of the report, this could be defined in terms of upper Richardson Bay, because Mill Valley's boundaries are marked. She then read a letter to the Commission, dated June 21, 1984 outlining her recommendations. She urged the County of Marin and BCDC to petition the Coast Guard Commander so there will be regulations that make it possible for seasonal protection of migratory birds and seals. She said that was the reason for the wording change.

Ms. Sharon McNamee, speaking for the Strawberry Recreation District, reemphasized the letter written to the Commission in support of the Special Area Plan. She remarked that the Recreation District ends up with a lot of garbage alluded to earlier, without a way of getting rid of it. It is large and dangerous to the children and the community of Strawberry. She urged BCDC to make Richardson Bay a "no-discharge" area and to concern itself more in depth with the graywater problem.

Ms. Lee Reynolds, a long-time resident of Strawberry Point, disagreed with Ms. Brown in that she felt there are not great number of people who are willing to enjoy the difficulties of living on a boat. As President of the Strawberry Point Homeowners' Association, representing 100 homeowners, the Association urges BCDC to support and adopt the Special Area Plan and all of its recommendations.

Mr. Fritz Reynolds told the Commission he had been a resident of Strawberry Point for seven years and believed he was speaking not only for the residents but for the vast majority of people in the Bay Area who fully support the Richardson Bay Special Area Plan and its recommendations. Residents of the Strawberry area have experienced many problems because of the lack of regulation in the Bay. As an example, he mentioned someone who started a floating chicken farm on Richardson Bay. He said the Special Area Plan is the minimum needed to bring some order to the area. He agreed with other speakers who deplored the lack of controls, regulations, and enforcement in Richardson Bay. This is a major recreational area, used for wind surfing, water skiing, and fishing, but people trying to enjoy these sports are endangering their health, as the water quality is very poor. He urged the Commission to bring the enjoyment back to all the people, not just a few special interest groups, and urged adoption of the Plan.

Chairman Tufts thanked the speakers for taking their time to appear and stated the hearing will be continued at the next meeting, which will be held at 150 Oak Street, Room 22, on June 28.

14. Adjournment. There being no old or new business, the meeting of the Special Committee adjourned on a motion made by Commissioner Aramburu, seconded by Commissioner Fraley, at 5:44 p.m.

Respectfully submitted,

ALAN R. PENDLETON
Executive Director

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
30 Van Ness Avenue, San Francisco 94102 557 - 3686

TO: All Commissioners and Alternates
FROM: Alan R. Pendleton, Executive Director

SUBJECT: APPROVED MINUTES OF JUNE 28, 1984

1. Call to Order. The meeting was called to order by Chairman Tufts, at 1:15 p.m., in Room 22, CalTrans Building, 150 Oak Street, San Francisco.

2. Attendance. Present: Chairman Robert Tufts and Vice Chairman John C. Dustin, Commissioners Aramburu, Dedrick (represented by Alternate Jones), Eshoo, George (represented by Alternate Fraley), Kondylis, Lepore, Mills, Osborn, Otsea and Siracusa. Absent: Commissioners Adams, Ayres, Bachtold, Brann, DeLutis, Fahden, Gutierrez, Legan, McCollum, McKenna, Ogawa, Perkins, Silver, and White.

3. Report of Chairman

a. Quorum. Chairman Tufts announced that because a quorum was not present to be a meeting of a special committee of the Commission, pursuant to authorization by the Commission at its meeting of June 21, 1984. The special committee will convene on behalf of the Commission to receive testimony.

b. Cancellation of July 5, 1984 Meeting. The Commission's next regularly scheduled on July 5, 1984, has been cancelled.

c. Next Meeting. The next Commission meeting will be held on Thursday, July 19, 1984, starting at 1:00 p.m., at the regular meeting place in the State Building. At that meeting, the Commission may consider the following items:

(1) Application No. M83-31. The Commission may hold a public hearing and vote on the application of the Santa Clara Valley Water District to amend their permit for levee improvements along Alviso Slough near Alviso to delete public access requirements.

(2) Application No. 24-83. The Commission may hold a public hearing and vote on the application of the Port of San Francisco and the Continental Development Corporation to redevelop the Ferry Building and Pier One area on the San Francisco waterfront.

(3) Application No. 3-84. The Commission may hold a public hearing and vote on the application of the Port of Redwood City to reconstruct all of Wharf 3 on the east side of Redwood Creek.

(4) Tract 4500. The Commission may hold a public hearing on a proposed agreement between the Commission and Harbor Bay Isle Associates concerning public access and development of a business park on Tract 4500 on Bay Farm Island in Alameda.

(5) MOU with the State Coastal Conservancy. The Commission may consider a memorandum of understanding with the State Coastal Conservancy concerning a pilot mitigation bank program in Sonoma sponsored by the Conservancy.

d. Commission Consideration of Contracts for Consulting Services. The Commission will also consider authorizing the Executive Director to contract for the following services during the period from August 1, 1984, through July 31, 1985: court reporter, graphic artist, hydrologist, and technical expertise on the impacts of freshwater diversions to the Bay.

e. Informal Gathering. Commissioner Tufts invited all the Commissioners and Alternates to return with him to the Commission offices for refreshments and a chance to get better acquainted at the conclusion of the meeting.

4. Attorney General's Report. There was no report.

5. Report of Executive Director. BCDC Deputy Director Frank Broadhead made the following report:

a. Commission Budget. Mr. Broadhead said he was pleased to announce that the Commission's budget had been approved for FY 84-85 at its current level to allow the continuation of the Commission's program.

b. SB 834. On Tuesday, SB 834, which attempted to eliminate the Public Trust from certain lands in the Delta and the Suisun Marsh, was defeated in the Assembly Natural Resources Committee. The Commission, as well as the Attorney General, the State Lands Commission, and many sporting and conservation groups, did a fine job in opposing the bill. However, there may well be an attempt to resurrect the bill later this year.

c. San Luis Drain. The U. S. Bureau of Reclamation announced that it is postponing action on the San Luis Drain, which would discharge agricultural wastes from portions of the San Joaquin Valley into the Delta near Pittsburg. The Bureau stated it was going to further evaluate the environmental impacts of that project and review all alternatives to it.

d. SB 1369. The Governor's water program is scheduled for a vote today in the Senate. It was supposed to be up for special order this morning, but nothing had taken place before the Commission meeting was called to order.

6. Commission Consideration of Administrative Permit Applications. As noted, the staff will not act on those applications until after July 5, 1984 to allow the regular time for Commissioners to contact the staff. Mr. Broadhead said Ms. Nancy Wakeman, BCDC Chief of Permits, was present to answer any questions. There were none.

MOTION: Commissioner Aramburu moved, seconded by Commissioner Mills, that the Governor, the Speaker of the House, and the President Pro Tem of the Senate be thanked for their efforts to fund BCDC for the coming fiscal year.

VOTE: The motion carried unanimously by voice vote.

7. Continued Public Hearing on Richardson Bay Special Area Plan. The Commission will continue for the third meeting, the public hearing on the Richardson Bay Special Area Plan recommended by the Steering Committee made up of representatives of the Commission and the local governments with jurisdiction over Richardson Bay. After the public hearing is closed, only written comments received on or before July 13, 1984 will be accepted.

Chief Planner, Jeffry Blanchfield, introduced Paul Lord of the Marin County planning staff, who played a major role from the County's perspective working on the Special Area Plan. Mr. Blanchfield pointed out that staff mailed, on June 22, 1984, a letter from Margaret Zegart of the Almonte District Improvement Club; a letter from the Pacific Inter-club Yacht Association; and a letter from J. Thomas Kornrumpf and others. Mr. Blanchfield noted these people had testified at the hearing on June 21, 1984 and handed these letters in to the staff, who then mailed them to Commissioners for their information.

Also, a letter from Roger E. James, Executive Officer of the California Regional Water Quality Control Board, commenting on the water quality aspects of the Richardson Bay Special Area Plan, has been placed in Commissioners' folders.

These letters will be analyzed and considered when drafting the staff recommendation and responded to.

Mr. Peter Nardini, representing the Recreational Boaters of California and also a representative of the Pacific-Interclub Yacht Association, indicated he was a public health sanitarian, working for a health agency, and had been following the Richardson Bay Special Area Plan for some time. He commented that the Plan recommended a no discharge zone and proposed a shellfish water quality standard. He expressed his opposition to the no discharge zone, which he felt would create a major problem to recreational boaters, who already meet federal MSD requirements in that they are prohibited from discharging untreated sewage.

He asserted that one of the serious pollution sources that affect the Bay is the natural environment of the area, with pollution coming from streams and the surrounding grounds, as well as wildlife participation, which contributes to the pollution. As a matter of fact, wildlife is a greater source of pollution than the boating population.

The 1983 study shows very low concentrations of pollution around the boaters. The statement of the Marin Department of Health and Human Services that bird feces does not constitute a public health problem cannot be accepted. It even states that most bird feces contains salmonella, which we try to keep out of food and water. It is recognized that shellfish as a criterion will establish a greater amount of organisms in the food chain; they tend to concentrate 10 to 200 times more than what is provided in the environment and is way beyond what public health officials have declared to be a health hazard. The recent program summaries are of the Regional Water Quality Control Board for shellfish should be considered as modifying their shellfish policy. The low level of viruses recovered in clams in San

Francisco Bay is not believed by the Department of Health Services to generally propose a public health hazard. They will continue to rely on coliform data to determine if San Francisco Bay is safe for shellfish.

Techniques for isolating viruses have been greatly improved, and the Department of Health and Human Services may seek additional virus information for the area of shellfish. The data collections system is incomplete or insufficient, the principal source of coliform being waste from pets, wildlife, and the surroundings.

He felt that the burden was unjustly applied to the recreational boaters; and before a discharge zone is established, more conclusive data must be found and more specific and scientific findings established.

Commissioner Aramburu noted there were a number of no discharge areas in the United States. He inquired whether any of the corresponding yacht clubs felt in any way that this had diminished their enjoyment of those areas. Mr. Nardini answered that some of the no discharge areas were in landlocked zones, but it had not diminished their recreational opportunities. Commissioner Aramburu pointed out there were two aspects, public health and the environmental health, and the memorandum referred to by Dr. Hiatt addresses the environmental health problem.

Commissioner Aramburu read from Dr. Hiatt's letter that the discharge of one sick person's raw waste into the general environment endangered the whole area and must be kept out. Mr. Nardini explained that he was not arguing about the introduction of fecal matter into the Bay, because the boaters already are prevented from that by the MSD requirements. They are concerned, however, about graywater discharge. Commissioner Aramburu observed that graywater had been deleted from the current report. Mr. Nardini stated that using this as an indicator was a false indicator, which was being used in a manner which tends to achieve an end which BCDC desired, and he felt it was wrong to apply something erroneously or to misrepresent it this way. He believed that governments in Marin County had been concerned about a zoning problem involving individual lifestyles, and they're trying to use public health as the principal point. Commissioner Aramburu commented that the Coast Guard had notified the Committee that local governments are preempted from enforcing MSD regulations. Mr. Nardini replied that the Plan was creating a no discharge zone in order to protect a criterion which has not been established as being scientifically significant.

In answer to Commissioner Siracusa's question, Mr. Nardini said that, as a sanitarian, he did not feel there was enough information for the Commission to be concerned.

Mr. Bob Olson, representing the Pacific Inter-club Yacht Association, remarked that his comments would be technical in nature. He advised that he was a research scientist in a wide range of fields, with a degree in chemistry. He was not an expert in microbiology but had thoroughly researched the narrow issues on which he would speak. He indicated he was thoroughly familiar with statistics and statistical analysis and was a sailor and sailboat owner of 20 years' experience. PICYA was prevented from submitting written background material by the decision not to extend the hearing, but they will submit this later, thoroughly documented.

He pointed to paragraph 2 of page 10 of the Richardson Bay Special Area Plan which said "Coliform bacteria can transmit diseases to humans that ingest the water or can contaminate shellfish that, when eaten, can cause human illness." He asserted this was an incorrect statement which could only create problems for the recreational boater and the proponents of wildlife habitat. Coliform bacteria is present in the feces of all wildlife. There are disease causing coliform bacteria, the enteropathogenic E. Coli. The literature reports that 106 to 109 are required to cause overt disease. These are outrageously high levels and would require drinking 250 gallons of water.

Shellfish will concentrate these bacteria by a factor of 10, and if a quarter pound of shellfish were consumed, they would have to live in the water that had a 100,000 count coliform bacteria to cause any problems. These bacteria, in the case of the marine environment, are not a cuase of disease in mankind; and the statement should be deleted from the Plan. He recommended the findings be changed to read "Improperly sewaged discharge and other waters can carry disease-causing bacteria," and then delete the sentence starting with "Coliform bacteria."

He also recommended, to accurately reflect the pollution sources, that wildlife species be added to the enumeration of pollution sources in paragraph 4 of page 10. The Regional Water Quality Control Board is the only one that identified shellfish harvesting as a key beneficial use in Richardson Bay.

Finding 3 on page 11, comments on the comparison of the 1973 and 1981 levels of coliform bacteria in Richardson Bay. After thoroughly investigating the 1973 study, Mr. Olson found it was done by the so-called two-tube method, which yields results where the actual level can be anything by a factor of 6.6. The two-tube method is not the standard method that is used when looking at water quality, but a five-tube method. This was intended as survey work, and the people who applied it to these comparative studies are technically incorrect. If you take a statistical analysis, there is only one data point in 18 listed that says that the 1983 conditions are worse than the 1971. Therefore, he urged that all references to that particular comparison be delted from the report.

Mr. Olson felt, to be objective, the report should also include a finding that wildlife and waterfowl are significant contributors to bacterial pollution of Richardson Bay. The average waterfowl population alone is equivalent to the sewage discharge of 300 adult humans. PICYA recommends inserting such a finding after finding six in the report.

Finding 16, page 14, line 10, should be changed by adding the words "houseboats," after "some." There is no information indicating that live-aboards have installed alternative systems. If so, they should be reported to the Coast Guard, who will take care of the matter. Policy No. 7 on page 15 should be changed to reflect that "all marinas should provide restrooms as a routine matter."

Replying to Commissioner Fraley's question, Mr. Olson pointed out that he thought certain items and wording should be corrected in the report. As to the test methods, he indicated that any conclusions drawn by comparison of the 1971 with the 1983 studies should be withdrawn, since the coliform data

is scientifically unacceptable. He recommended only one policy change which had to do with requirement of restrooms in all marinas but would not alter any of the other policies, regardless of the statement of the findings.

Looking at a no discharge zone and perhaps a graywater again in the future, he commented that the Plan's findings were important and could be detrimental to PICYA's cause, because they do have a standing in law, and other agencies will have problems with those findings, and it will be very difficult for PICYA to argue against them unless a statement of this character has been made.

In answer to a query from Vice Chairman Dustin with respect to the two-tube method of testing versus the five-tube, Mr. Olson said that the two-tube method did not measure up to prevailing governmental standards when it comes to determining the water quality accurately from a particular area.

Responding to Commissioner Siracusa's inquiry, Mr. Blanchfield indicated that staff will go to the authors of the study and look into the statements Mr. Olson made, and they would meet with the staff of the Regional Water Quality Control Board, the experts in this field.

Mr. Teddy Pozniakoff, North Bay Regional Chairman for PICYA, and also speaking for the Sausalito Cruising Club, told the Commission he had been a sailor since 1938. He thanked the Commission and staff for their past consideration of PICYA's requests regarding recreational boaters.

Under definitions, on page 2, paragraph 8, where it says "'mean lower low water' means a tidal datum or level which is calculated by determining the mean of the height of the lower of the two daily low tides," Mr. Pozniakoff suggested that be changed to the Pacific Coast Pilot definition, which is a much more specific one, which defines "mean lower low water" as the arithmetic mean of the lower low water of a mixed tide observed over a specific 19-year cycle.

The report states on page 19, section 8, "Encroachment of boat docks on natural deepwater channels and designated navigation channelsd is an impediment to navigation." And on Page 21, section 8, "Boat docks and floats and other structures or objects should not encroach on the Richardson Bay navigation channels and areas designated on Plan Map 6, Navigation Plan." The shaded area on Plan 6 shows an area that actually is encroaching on the corner of the engineers' docks and part of that tidal basin, and this is something that should be corrected.

In answer to Commissioner Siracusa's question, Mr. Pozniakoff said he was not disputing any of the written statements in the sections but was speaking for PICYA, requesting that they change the definition for the mean lower low water and Map Plan No. 6.

Replying to a query from Commissioner Fraley, he indicated that PICYA supported the Plan, except for the small points that should be cleared up because of the importance of the document.

Mr. Robert Strebeigh, speaking for Bay Area Boaters, an organization of about 800 boating families, stated the organization was opposed to the Special Area Plan. He mentioned he was also representing the Classic Yacht Association, comprised of 200 members. He requested that the July 13, 1984 deadline for receiving comments be extended, until the various cities have an opportunity to reply. He said he was told by the Commissioners to take this information back to the City Council of Sausalito which, of course, he did.

Mr. Strebeigh also requested that he receive minutes of meetings at which matters relative to the Plan and to the live-aboard report are considered, as well as copies of correspondence related to the proceedings. Mr. Broadhead said staff concurred that anytime the City of Sausalito wants to let the Commission know its views, the information will be distributed to the Commission.

Commissioner Siracusa asked about the cutoff date, and Mr. Broadhead told him that the public had had a considerable opportunity to respond to the recommended Plan. Chairman Tufts pointed out that, convening as a Special Committee, the Commission cannot change any dates. He assured Mr. Strebeigh his suggestion would be taken under advisement and acted on at the next regular meeting.

Vice Chairman Dustin interjected that he would move that the Committee recommend to the full Commission that, in the event the public hearing is closed today, it nevertheless receive any testimony relating to changes that may be brought out by virtue of other public hearings or by changes the cities want, since that constitutes essentially new information. Chairman Tufts asked Vice Chairman Dustin to hold the motion until the completion of the public hearing.

To a question from Commissioner Otsea whether the Commission could act retroactively, Mr. Broadhead responded that the Commission could always reopen public hearings and notice public hearings, and that it had unlimited discretion in terms of setting any new public hearings whenever it wants.

Mr. Strebeigh emphasized that he had presented the Commissioners copies of several documents, a position paper prepared by Bay Area Boaters for the City of Sausalito, the reply to the June 7, 1984 letter of Mr. Stewart, Chief of Marin Environmental Health Service, and the letter of June 26, 1984 to the Regional Water Quality Control Board, and asked that they be made a part of the record of the hearing. These letters set forth some of the objections to the Plan and serve as an answer to the staff's remarkably successful effort to link boating and pollution in the minds of those who do not require evidence in support of official statements, such as the Marin Audubon Society and the League of Women Voters. He noted that the staff assault on the boating community began last summer with the release of the report, an exercise in propaganda that lurks in the background of the hearing in a highly prejudicial fashion. He asserted the report lacked logic, research, fairness, and honesty.

Commissioner Aramburu indicated he would not stay in the hearing room when there are assaults on the integrity of the staff and other organizations and asked for a parliamentary ruling whether this testimony was appropriate in light of personal assaults.

Chairman Tufts asked Mr. Strebeigh to confine himself to issues of a less personal basis.

Mr. Strebeigh said that the live-aboard report was so inextricably associated with the Special Area Plan that the Commission should make it a part of the record of this hearing together with the minutes of last summer's hearings and all responses to it from the public. He mentioned that at last week's Commission meeting, Mr. Pendleton, in answer to a question, gave his opinion that adoption of the Plan would not be an expansion of the Commission's jurisdiction and powers. Mr. Pendleton and his adviser in the Attorney General's Office are dead wrong in the opinion of Bay Area Boaters and their attorney. Another claim frequently made by staff is that it has various powers derived from its role as Trustee of the Public Trust, which is putting the cart before the horse. The staff's powers derive solely from the McAteer-Petris Act, and its response as a Trustee are limited to the functions as established by the Act.

Chairman Tufts inquired as to the Bay Area Boaters' attorney's name. Mr. Strebeigh informed him it was Christopher Myers in Redwood City, but he did not have his opinion in writing. Mr. Olson mentioned that it had been submitted to the Commission in connection with the live-aboard report. Mr. Blanchfield commented it was important to defferentiate, the information was sent to the Commission in response to the houseboat, live-aboard report, whereas this was the Richardson Bay Plan. Responding to a question from Commissioner Siracusa, Mr. Strebeigh pointed out that he had not been told in what specific areas the Commission had transgressed its jurisdiction. Mr. Blanchfield remarked that the letter was going to be included in the information sent to the Commissioners when the houseboat and live-aboard report and the staff's analysis is brought up.

Mrs. Sue Beittel, representing the League of Women Voters of Marin County, noted that the League had followed the process that resulted in the Richardson Bay Special Area Plan. She commended everyone connected with the Plan, especially the Chairman, and thought the Plan was well written and improved by the extensive research, reviews, and revisions that have taken place. She said the League strongly supports the recommendation that the Environmental Protection Agency be asked to declare Richardson Bay a vessel sewage no discharge zone, and this should include prohibition of graywater discharge.

She said the clarification by the Attorney General of the role of the Public Trust in relation to boats used for residential or other private purposes is a useful addition, and the League is supporting the adoption by the City and County of the Plan and will be watching with interest the implementation of the Plan.

Mr. Greg Andrew of the Marin Conservation Corps commended the Richardson Bay Steering Committee, the entire Commission, and the Commission staff for its efforts in preparing the Special Area Plan. The Marin Conservation Corps is particularly impressed with the emphasis that has been placed on protecting the Bay's aquatic and wildlife resources and enhancing its marshes. He recommended that specific wording be added to the Plan

calling for continual monitoring of the aquatic and wildlife resources of Richardson Bay. Emphasis should be placed on monitoring the shellfish, invertebrates, eelgrass, rare plants, and marsh flora, so as to get a full picture of the Bay community. The Marin Conservation Corps strongly supports the Special Area Plan and will do all it can to carry out the Plan's goals.

Ms. Barbara Salzman, Conservation Chairman for the Marin Audubon Society, declares she would also speak on behalf of the Sierra Club. She pointed out that the Audubon Society had followed the evolution of the Bay Area Special Plan over the last ten months and supported the staff in the opinion that there had been ample opportunity for any member of the public to address specific issues in the Plan. There have been many, many meetings, and she felt it was not necessary to extend the deadline. The Marin Audubon Society supports the adoption of the Plan because of its numerous benefits to the environmental health of Richardson Bay and for the public uses that it. will also benefit. By improving the water quality and by its recommendations for marsh enhancement and restoration, it will increase the protection for wildlife and wildlife habitat and bring order to the development of the Bay. It will insure maximum public access and enable establishment of much needed uniform policies and regulations, as well as enforcement procedures among all of the jurisdictions in Richardson Bay.

She distributed a letter from the Sierra Club, strongly supporting the recommended proposals for adoption and carrying out of the Special Area Plan.

Ms. Patricia Yates, representing the Environmental Forum of Marin, complimented the Steering and Advisory Committees, the staff, and the Commission for the design of this interjurisdictional Plan for Richardson Bay. She told the Commission the State Fish and Game Commission was very concerned about anadromous fish and that great sums of money are being expended on the west coast of California to protect them, and that it would be ironic to allow the same kind of program to be diminished in the Bay, over which BCDC presumably has authority. She stated that the Environmental Forum of Marin hopes that the Commission will continue to endorse the policy which will restore and enhance the waters and shoreline of Richardson Bay in accordance with the findings and policies and designations and the specific recommendations of the Bay Area Special Plan.

Ms. Beth Huning, Manager of the Richardson Bay Wildlife Sancturary for the National Audubon Society, stated she had followed the development of the Richardson Bay Special Area Plan and that the Audubon Society manages approximately 900 acres of the Bay as a waterfowl sanctuary during the months of October to the beginning of April each year, when the area is a major wintering area for waterfowl and the Pacific flyway. She expressed National Audubon's gratitude for the recognition and appreciation of this sanctuary during the planning process and the development of the document. National Audubon supports the petitioning of the Coast Guard District Twelve to secure the designation of Richardson Bay Wildlife Sanctuary as non-anchorage area during the months of October to April 1st, hoping to promote order to the enforcement of such regulations and to maintain the integrity of the sanctuary designation.

Ms. Jean Starkweather, speaking for the Bayfronmt Committee of the Marin Conservation League, emphasized that Richardson Bay is a priceless natural resource, which affects those who live and work around it and on it, and also those who pass by it. The water quality and uses of Richardson Bay affect the quality of life of people on the land around it; and conversely, development around the Bay affects the working of its natural system. The League strongly supports policies which lead to the development of inexpensive, conveniently located pump out facilities for boats, as well as provision of sewage hookups for all houseboats. It supports the designation of Richardson Bay as a no discharge zone. She urged adoption of the Plan and that steps be taken to form a local Richardson Bay agency or district to implement the Plan.

As a private citizen, she expressed surprise to hear boaters speak in any way except in favor of good water quality. As a swimmer, she stated she was very careful about the kind of water she swims in; and if she were living on a houseboat, she would certainly be in favor of every measure that could be taken to eliminate human waste from the shallow waters of Richardson Bay.

Mr. Bryan Wilson, representing Save San Francisco Bay Association, stressed the Association's support for the Richardson Bay Special Area Plan and believes it implements the objectives of the McAteer-Petris Act. The Association feels the residential uses of the Bay are in obvious conflict with the Public Trust and the McAteer-Petris Act, and the Plan's policies have reached a fair compromise. They address the issues with a broad perspective which will avoid a case-by-case debate in the future over each and every vessel and, in the long run, the Plan's approach is desirable and equitable, and the Association urges its adoption.

Ms. Ann Hallatt from Galilee Harbor, Sausalito, felt the Special Area Plan directs its attention to the aquatic and wildlife resources of Richardson Bay rather than the human resources. She thought it would be wise if a section were added which would specifically address the human resource, in order to develop the interaction between the human element and human activities on the Bay. She noted a more cohesive vision of the actual interaction of the small maritime businesses that provide support services for primary industries was needed. For instance, where the report mentions that herring spawn in the shallow water and attach their eggs to the eelgrass beds, this would be an appropriate place to consider the herring fishermen. She believed it important to consider that the smaller houseboats and live-aboards most likely to be displaced by implementation of the report are people who provide essential maritime skills and services to the larger community and, as cuh, would be a great loss. Human lives often don't separate into life and livelihood work and living space. The Special Area Plan directs its attention to Richardson Bay as a recreational resource in a populated urban area, which is an understandable perspective; but working and living perspectives are also important and can be incorporated in a way that enhances environmental quality. It is not only a place to play, it is a place to live and work. She felt many sections of the report need to be expanded, one of which is the impact of public uses, such as the Public Trust uses for fisheries, commerce, and navigation. Also, there is no discussion of oily bilge discharges in the report, and this should be addressed immediately before the report goes any further. A water sanitary system needs to be established that addresses some of the problems.

In answer to Vice Chairman Dustin's question if her comments were that water-related small commerce has not been adequately addressed in the Plan, Ms. Hallatt said that the habitat of the eelgrass has had more attention in terms of a total ecological picture than the humans living on Richardson Bay. The resource should be seen as a human resource also. The report has no perspective on the fragile interaction of man and nature. There is no cohesive overview that any good ecological study really needs. She thought there was a significant unmet demand in terms of waterfront commerce.

She assured Vice Chairman Dustin that if pumpout facilities were provided, the boating community would use such facilities immediately. The Coast Guard should not get bogged down in monitoring sewage systems, which should be monitored by the Sewage District. There should be a cohesive plan along the waterfront to protect the waterfront in its present state, which involves emergency and routine pumping of bilges.

Replying to Commissioner Fraley's query, Ms. Hallatt pointed out that 25 percent of the houseboats are actually fishing boats, and 25 percent of those are actually either tugboats or barges. She noted there was no study of the interaction between vessels and the people who live on them, and what services they provide for the natural water habitat.

In answer to Commissioner Siracusa, Ms. Hallatt stated that people in Sausalito were very concerned and were evaluating the waterfront, which has a unique character because of the shallow Bay, and she thought it absolutely essential, before any kind of zoning was changed, that the total picture be looked at.

Responding to Commissioner Siracusa, she felt that houseboats were really a different form of navigation which is not properly identified, and further study is needed before an intelligent decision on what to do with them can be made.

Commissioner Otsea thought whether a person makes his or her living fishing or running a computer really does not make much difference. Ms. Hallatt retorted that the Plan was destroying human habitat. Commissioner Aramburu commented there are over 400 authorized houseboats that are hooked up to sewer lines and have valid BCDC permits. Ms. Hallatt felt a floating basement had been created upon which were built apartments, which are now being used as real estate and used like any other apartment building on a piece of land. She said she was attempting to represent a group of people who live on small vessels that are completely and cohesively interacting with the environment in a positive way. Commissioner Aramburu advised that there are no more than 200 anchor-outs in Richardson Bay, and not all of those boats are actively involved in commerce. Ms. Hallatt thought 85 percent of those boats are in some way related to fishing, water-related commerce, and navigation. She felt that most of the people who made the report don't understand the subtleties of living on the water, and she asked the Commission to do a comprehensive survey of this community as a unique habitat.

To a question from Commissioner Siracusa, Ms. Hallatt replied that she was talking about a preservation of what is there as well as allowing more people. Also, the report should address the question of the poison that comes off the bottoms of boats in boatyards.

She indicated the problem with most people working on boats is that they're not wealthy, or they would not be doing it, and they cannot afford an apartment on the hill, coming down to work on their boats. She stated that she fully supported sewer services for all people living on the water.

Ms. Hallatt then distributed the Sausalito Maritime Services Directory, dated 1984.

In response to Commissioner Jones' question, Ms. Hallatt emphasized that people who work in the maritime industry should live on the water. Commissioner Jones thought there would be a lot of other people with maritime-related jobs that then would be justified in living on the water. Commissioner Lepore believed the way Ms. Hallatt used "ecology" was very confusing and that it was really the interrelationship on Richardson Bay of all the human activity that is going on there.

Mr. Blanchfield commented it was important for the Commissioners to understand that, in the background information prepared for the Steering Committee, the Committee went through the entire shoreline of Richardson Bay and looked at the specific uses and what the zoning and general planning by local government was. For the Sausalito waterfront, they concluded that the marine-oriented facilities on dry land were appropriate, and they ecognized the fishing and maritime use, such as boat repair and building, which they said was important to continue.

In answer to Commissioner Siracusa's question, Mr. Broadhead replied that the Commission probably had the authority to authorize some residential houseboat uses that are ancillary to water-oriented uses, but legally it would be very difficult to extend that very much.

Ms. Susan Frank, a resident of Waldo Point Harbor, mentioned she attended a conference at Washington, D.C., on urban waterfronts, and the City of Portland, Maine, has been doing a lot of work in preserving their delicate ecology, which includes commerce and people. She read excerpts from a booklet on the Portland, Maine, waterfront, which is a working waterfront, as an example of a City taking steps to really preserve the working waterfront. The Sausalito human resources take the form of those people whose livelihoods are water-dependent, and many of them are listed in the Maritime Directory. Thirty percent of the people listed in the Directory are currently living on their boats and are threatened with some form of eviction.

She told the Commission Sausalito is currently undertaking a Specific Area Plan for its waterfront, which is due to be finished in March of next year, looking specifically at the issues that Ms. Hallatt just addressed. They may be following the lead of Portland, Maine, in deciding that the waterfront in that particular locale has been a working one and needs to be protected, which does not mean expanding, but preserving what is there.

She wholeheartedly supported the no discharge zone, which has been a long time in coming, and she was glad it was now here. However, nowhere in the report could she detect the connection between the maritime services and the people who live on the boats, and that connection on the life of the waterfront. She distributed an article appearing in The Chronicle, reprinted from the New York Times, with a discussion of the Boston Harbor, with the title of "The Harbor that is too Classy for Boats."

Replying to Commissioner Siracusa, Ms. Frank did not entirely agree that people lived on the water because of the affordability question, but many had to live on their boats because of their water-related jobs.

Vice Chairman Dustin declared that, under the McAteer-Petris Act, BCDC cannot permit fill in the Bay, and this includes boats, if there is a suitable alternative upland location. Before a commecial enterprise that is water-related could be allowed to exist in the Bay, there would have to be demonstrably no upland site that could be utilized. Ms. Frank noted that Sausalito was using up the upland areas very quickly, so the maritime services will be forced out. In answer to Commissioner Aramburu's question, she stated that she absolutely supported the no discharge rule. Commissioner Aramburu remarked that, from the very inception of the Special Area Plan, the Committee had not gotten into land uses issues, because that is the prerogative of the cities and towns and the County, and he thought it might not be appropriate for the Commission to indicate what uses would or would not be acceptable.

Ms. Frank stressed that the report addressed issues such as water quality and wildlife but devoted only a small section to human habitat. Commissioner Lepore thought Ms. Frank was not talking about ecology but the interrelationship of job to where a person is located.

Ms. Hallatt remarked that, if people can no longer go to the waterfront to get boat repairs done or to have their sails put on or to have an engine repaired, then the waterfront becomes a non-functioning waterfront in traditional terms. She did not believe Sausalito wanted its waterfront to become open water and manicured park areas. Commissioner Fraley expressed the opinion that land prices were getting so high in Sausalito that the cottage industries want to relocate on the water or, if already there, want to stay there and use that as a reason for staying there. That, however, is a land development issue.

Ms. Allison Thompson, an anchor-out, stated she is the kind of person that will become extinct if the Plan goes through. She emphasized she did now want to dump into the Bay but could not find a pumpout station in Sausalito, even though there are many marinas.

She contested the negative environmental impact declaration, and disputed the findings of a study sheet, where a lot of things have been checked incorrectly. She felt the Plan was displacing many anchor-out boats, Gate 3 boats, boats in Gaililee and all the boats that are anchored out which will no longer be permitted. There is not enough room in the harbors or the marinas to house all the boats, and a lot of them are live-aboards, and there are no houseboat marinas allowed under the Plan. Where are all these people going to go? She said this problem had not been addressed.

Replying to a question from Commissioner Aramburu, Ms. Thompson indicated that the checklist was a Marin County Environmental Coordination Review. Commissioner Aramburu explained that this document would not be used by BCDC. Ms. Thompson told him that Sausalito rejected the negative declaration, and many things were checked as not being affected that are actually going to be affected. Chairman Tufts requested a copy of the Environmental Checklist.

Ms. Judith Bang said that, as an American citizen and as an indivudally registered vessel owner, she did not recognize State and local constituency rights to develop plans which interfere with the rights to anchor in any or all of the already existing federally designated anchorages as defined in Title 33 of the Code of Federal Regulations on page 312. They describe the special federal anchorage on page 369 and general anchorage of Belvedere on page 371.

In answer to Chairman Tufts' question, Mr. Blanchfield indicated this was from the Code of Federal Regulations, covering anchorages as they affect San Francisco Bay. Ms. Bang referred to Figure 3 on page 20 of the Plan. She said that on pages 39, 41, 44, 45 and 47 of the Special Area Plan, there are maps entitled "Water Use Areas." None of these maps reflect the existing use of federal anchorages, which must be included on all the maps. The federal anchorages are numbered and the number relates to the coast pilot, which is regulation not law.

As to navigational hazards, registered and documented vessels, for the most part, do not, in fact, represent any substantial obstruction to navigation in Richardson Bay. The existing docks may have tenants who might claim it would be easier to navigate in and out of their berths if there were no boats at anchor. However, these same tenants want to anchor, so it follows that only the property owners might be severely limited as to the potential development of their properties, if the existing federally designated anchorages do not continue to be maintained, channels being dredged, etc. San Francisco Bay was planned as a whole, with designated shipping channels, and as a person learning to sail, she stated she had to stay away from the big boats, and there is only a very limited area left in the Bay where one can sail and anchor, which is a Public Trust right as well as a Public Trust use.

She advised she had a Coast Guard approved sanitation device on her 25-foot live-aboard, and she supported composting on land, not the discharge of sewer into the waters of the world from either vessels or sewage treatment plants.

Chairman Tufts pointed out that the federal regulations really don't create a right to anchor, and the Public Trust does not emanate from the federal regulations. Mr. Blanchfield added that it is the Coast Guard's opinion that local and State governments cannot regulate the length of stay of a vessel in a designated anchorage area, but the Coast Guard does provide for amending its regulations to the authority of local governments, and this is commonly done throughout the United States and, specifically, in Southern California, so that a provision is provided for by the Coast Guard for local gencies to administer and regulate anchorage areas, in addition to requirements of federal regulations.

Mr. Broadhead explained that the Trust has nothing to do with federal regulations. It is clear that government has the ability to choose among competing Trust uses. While an anchorage can be a Trust use, people can also be prohibited from anchoring out in the middle of a navigation channel. Government clearly has the ability to make those kinds of distinctions among Trust uses. There is nothing inherent that a specific use has to be allowed everywhere the Public Trust exists. Ms. Bang asserted that anchoring is also a Public Trust right, and she had to fight for the inclusion of Figure 3 on page 20 of the Plan.

Mr. Gerad Borkenhagen, a 10-year resident of Waldo Harbor, representing the tenants of A Dock, said they supported the work of the Committee and the report of the Committee with very small exceptions in regard to their still considering more houseboat marinas. As far as previous comments that were made, maritime activities exist up and down the coast and in other parts of the Bay without people having to live on or in the specific facilities.

Mr. Temko Daniel, a commercial fisherman also involved in marine salvage and vessel towing, said he traveled up and down the coast and knew a lot of other people in similar businesses. He stated it was a fact that it is categorically imperative for someone in his business to live on a vessel. He could understand classifying a houseboat that never moves as fill, but not when a boat swings with the tide, and you can fire up the engine and go out to do a job. Unless there are some changes, he did not feel that the Plan will be in furtherance of the Public Trust. He indicated he was totally behind the Committee's efforts to clean up the water, but the points that Ann Hallatt and Susun Frank brought up should be looked over very carefully.

In answer to Chairman Tufts' question, Mr. Daniel reiterated it was essential for him to live on the vessel because of his commercial fishing activities so that he can complete the commercial fishing each year, maybe not a hundred percent, since there are also fishermen with houses on shore, who don't have to live on their boats, but in order to fish competitively, they have to live on their boats, keeping them in repair, and don't have time to get off when eight hours later they have to go fishing again. Commissioner Siracusa inquired whether a distinction was being made between people who have to live on their boats and all the others who live there who don't really have to. Mr. Daniel answered a distinction can definitely be made, but in order to do this accurately, a survey would have to be conducted. He felt a substantial number of people had to live on their boats, possibly 50 percent. Also, a VHF radio cannot be operated from land, since it operates by line of sight only, and if you live on land, you can't get through a hill with it. Commissioner Siracusa remarked that there had been a lot of testimony about the desirability and, in some cases, essential nature of living on the water. He inquired whether distinctions could be made between essential and desirable. Mr. Daniel stated that he would be glad to try to help and that commercial fishing and salvage are two activities that immediately come to mind.

Replying to a question from Commissioner Fraley, Mr. Daniel indicated he found some problems in the statements in the Plan that are going to preclude him from carrying out his business, and he would be happy to supply the staff with his objections to the report. Commissioner Eshoo mentioned that the commercial fishermen at Fishermen's Wharf don't seem to be living on their boats. Mr. Daniel explained there were many party boats and that it was really a "show" fleet, but some fishermen do live on their boats there, and not many people would want to live under that kind of zoo-like condition. He stated that a commercial fishing vessel needs to be registered with the Department of Fish and Game and needs a commercial fishing license.

In response to a query from Commissioner Siracusa, Commissioner Aramburu opined that the basic conflict consists of residential uses, zoning violations, and sewage discharge into the Bay, and that the long-term residential use was found to violate the Public Trust provisions. One of the

policies says anchor-outs could gradually find entry into either an approved marina that is in place or one that is coming on the line, and the boats could be sewered. Once anchor-outs are restricted under the policies of the Plan, they can have a 30-day anchorage. Recognizing that the commercial fishermen may find themselves in the 30-day situation, it would be possible, by petitioning the governing body, which is a local joint powers type of arrangement, to deal with special circumstances. But in terms of long-range residential use, there is a clearcut policy that it would not be allowed under the Plan. Water-related activities are encouraged; however, when it is a permanent residential situation, the major problem is it is going to be the primary residence.

Mr. Blanchfield advised there is a definition which the Committee included for the recreational or commercial boat, as opposed to live-aboard, which is found on page 3 of the report. The Committee was trying to differentitate the intended purpose of the vessel, whether it is for truly residential use or is needed for fishing or commercial use, and the fundamental question is whether you must live on your boat in order to have your economic pursuit. Commissioner Siracusa inquired whether any criteria had been developed for an essential living/working environment. Mr. Blanchfield thought the definition delineated the standard that an indivudal applicant would have to meet. In Mr. Daniel's case, he would be saying that his commercial use is essential, and it is the fundamental reason for his living on the boat, to pursue that commercial use, not to live on it and have a job. Mr. Blanchfield explained that local governments do not allow living on boats in Richardson Bay. What this Plan does is to say that the policy should be changed, and that limited number should be allowed either in houseboat marinas or recreational marinas, which have the necessary facilities. The Plan provides that accommodations be made available right now, and it is contrary to existing local law.

Commissioner Mills commented that Mr. Daniel could live in a marina, as long as he takes the necessary measures for sewer hookup and can get a space.

In answer to Commissioner Kondyls' question whether some consideration should be given to some people who may, out of necessity, have to reside aboard their vessels, was the Plan the proper place to outline parameters of who should or who should not, or was that the job of the task force proposed to be formed by local governments and the County, Mr. Blanchfield said that if the local governments were to accept the Plan, they would be drafting more detailed ordinances to lay out the exact parameters.

Chairman Tufts wanted to know whether there was any safety valve either in the Plan or in the agency who administers the Plan which would allow commercial uses that absolutely require living on a boat for more than 30 days. Mr. Blanchfield was sure this would be provided, as well as docking for the fishing fleet, which would fit into the Sausalito waterfront area, which it is designated for waterfront use.

Responding to Vice Chairman Dustin, Mr. Daniel pointed out that he lived on a large vessel that is anchored in the wintertime and most of the year at his base of operations. He stated that he presently owns five vessels, which are not all tied up together. He felt that if someone had a maritime trade that put them in conflict with the Plan, there should be some

method of verification that, indeed, the reason for living on the water is in order to ply their trade, which would be in harmony with the Public Trust. In answer to Commissioner Otsea's question, Mr. Daniel told her that he lives on a boat that does not go out; however, part of the time he lives on a boat that does go out. Commissioner Otsea remarked that she could not see how it was more of a hardship to go from land to the boat than to go from one boat to another. Mr. Daniel said he would submit written comments explaining the situation.

Mr. W. T. Davoren, President of the Bay Institute of San Francisco, indicated that he had been involved in the work on Richardson Bay Special Area Plan since the first meeting and also as a Planning Commissioner of the Town of Tiburon. He mentioned that he had been pushing for two things that were at first not well received: (1) making sure the Plan had a remedial dredging component; and (2) pushing the Plan's frontiers landward, wherever a degraded marsh occurred, and there are now nine marshes on the shoreline of Richardson Bay which come under the special policies of the Plan and include mitigation sites for in-water developments that cannot be done at the site. One of which, the Fleamarket Pond, is by all odds the most degraded, ugly and mistreated water body in Marin County. He expressed his pleasure at seeing the no discharge direction the Plan has taken. He noted there had been three Special Area Plans in BCDC's history: Benicia, San Francisco Waterfront, and Richmond Harbor. In each of those cases, a priority use designated in the original 1969 Plan had to be changed to adapt to local needs. Richardson Bay is not a priority use area in the 1969 Plan, so what is being done here is meeting a long-delayed public need to clean up a real mess.

He expresed his appreciation for the efforts of staff and Commissioner Aramburu and said the Tiburon Planning Commission will consider this Plan tonight and undoubtedly approve it. It will then be forwarded to the City Council.

He stated he also supported the concept of a harbor management agency, which is essential for the County and Sausalito.

Ms. Jane A. Pireth, a Waldo Point resident of A Dock, explained she runs the sailing program for the Oceanic Society, between Waldo Point and Strawberry Point. She explained she was also a petty officer in the United States Coast Guard Reserve and was concerned with the safety of navigation for the 12-foot sailing dinghies. She had observed that the floating structures anchored in the area between Waldo Point and Strawberry Point have doubled or perhaps tripled in the last six months. These structures, which were built with the sole purpose of obtaining a berth at Waldo, impede small boats and present a danger to all navigation. She sincerely believed that Marin County needs to enforce its building code laws now, even if they have not enforced them in the past.

She inquired what would happen to the structures that are not being lived on but are impeding navigation. She offered to take any of the staff or Commissioners in her 14-foot skiff to see conditions firsthand. Mr. Blanchfield interjected that it was the intent of the Plan to remove the floating structures not being live aboard. Commissioner Aramburu said that,

when the joint powers agreement harbor district begins operating, it will have the ability to remove the floating structures. He pointed out that the whole intent behind the Special Area Plan is to assign responsibilities to the respective jurisdictions.

Ms. Pireth commented that Mr. Daniel said he could not communicate from land with his VHF. This is incorrect, since the Oceanic Society has maintained a land-based VHF station for over ten years, on channels 6 and 16, and communicates from the water to the land. She noted she had communicated from Waldo Point with vessels on the Bay and to the Farallones and with a good radio, it is better than line of sight. Also, the three marine operators in the San Francisco Bay Area provide a link between VHF radio and the regular telephone system.

Commissioner Jones then read a statement from the staff of the State Lands Commission for the record, emphasizing that private residential use of Trust lands is not a Public Trust use. It is the State Lands Commission's responsibility as Trustees of Richardson Bay to insure that the people's rights in these sovereign trust lands are not diminished by putting them into private residential use. While a limited number of berths may be temporarily authorized in existing recreational boat marinas, there is no justification for accommodating more recent arrivals to the area. The September 30, 1983 cutoff date proposed as Policy 2 is not appropriate; and in Policies 2 and 3, the word "should" should be changed to "may." She also requested deletion of footnote 2 on page 27, since it is not appropriate in a general plan to single out and reference specific projects.

In answer to Commissioner Kondylis' question, Mr. Blanchfield indicated that copies of the minutes of the public hearings have been provided the staffs of each of the agencies concerned. Commissioner Kondylis thought it might be helpful to the local decision makers to have some of the minutes and testimony. Mr. Blanchfield assured her he would bring this up at tomorrow's meeting and stress the Commission's feelings.

Replying to Commissioner Siracusa's query, Commissioner Jones pointed out that the State Lands Commission staff had not yet had time to give its proposal to the State Lands Commission and that much of the statement was based on advice received from the Attorney General's Office. There is no formal action from the State Lands Commission as such, but it will be attained in the near future.

Commissioner Siracusa suggested a workshop on the question of the Public Trust as interpreted by State Lands. Mr. Broadhead advised there was a fairly extensive discussion from the Attorney General's Office, dated April 28, 1982, which was distributed to all the Commissioners as part of the houseboat and live-aboard study. It discusses the Public Trust not only in general but in terms of residential uses and in terms of BCDC's relationship with the State Lands Commission.

Commissioner Kondylis observed a workshop was scheduled in the near future on the regulations relating to subdivisions, but there has been talk in the past about the need for a day-long session for Commissioners and City and County staff. She felt that, instead of doing worskshops piecemeal, a one-day-long series of workshops might go a long way to clear up some of the

misconceptions and miscommunications that seem to occur not only between the Commission and the other local jurisdictions but also with other local organizations, which may not necessarily be governmental.

Commissioner Jones told the Commission that the Executive Director of the State Lands Commission had proposed to present some information about the Trust when the new Commissioners came on board, and would be happy to speak to the Commission at anytime. Commissioner Fraley supported the holding of separate workshops, rather than having the topic discussed in the context of a regular meeting. Chairman Tufts suggested that Commission members inform staff and submit a list of topics, such as procedures followed by the Commission and staff internally in processing permits, so as to give the entire Commission more insight into the permitting procedure and process. He was sure there were many other subjects and he personally supported the idea of a full-day workshop on a Saturday. Commissioner Frlaey thought that, by holding a workshop, local staffs would no longer be able to say that they did not understand the Commission's regulations, since everyone would be getting the same information at the same time.

In answer to Commissioner Otsea's question, Commissioner Eshoo felt that local government staffs would attend Saturday workshops if requested.

Commissioner Aramburu noted that there had been significant testimony on the Special Area Plan, with substantial support for the no discharge area and support for the concept of sewering, regardless of type of use that was discussed. Also, what uses would require residency aboard a vessel, which are restricted to salvage operations, fishing, and search and rescue. In all the testimony heard so far, that would envelop everything which has been suggested as requiring residency. It would be helpful if a letter goes to each of the heads of the respective governments, asking for their input specifically in the process.

MOTION: Commissioner Aramburu put the above statement in the form of a motion, which was seconded by Commissioner Fraley.

Commissioner Siracusa objected that he still did not understand where jurisdiction will finally lie after the Plan is adopted and what the relationship between BCDC and the various communities is. Commissioner Aramburu replied that the inter-relationship will be the same as it has always been, only the relationship will be augmented by the policies that are adopted by the Commission. In answer to Commissioner Otsea's query, Commissioner Aramburu stated that the implementation will be through a joint powers agreement and the enforcement will be strictly a local issue; any enforcement that occurs outside of the joint powers agreement will be only according to current statutes which will mostly not require modification. The Environmental Protection Agency, through the chain of the Regional Water Quality Control Board as one link, will be petitioned for no discharge, but it will be strictly a situation in which local government funds implement the enforcement mechanism, not BCDC.

VOTE: The motion carried unanimously by voice vote.

8. Adjournment. There bing no old or new business, on motion by Commissioner Aramburu, seconded by Commissioner Otsea, the meeting adjounrned at 4:35 p.m.

Respectfully submitted,

ALAN R. PENDLETON
Executive Director

10. Vote on the Richardson Bay Special Area Plan. The Commission is voting on the Steering Committee's recommended Richardson Bay Special Area Plan. Public hearings on the Plan were held on June 7, 21, and 28, 1984.

Commissioners not present at those hearings indicated they had read the minutes and were prepared to vote.

Jeffry Blanchfield, Chief Planner, commended Carol Williams of the Marin County Planning staff who was in the audience for her work on the Richardson Bay Special Area Plan. He reviewed the staff's recommendation on the Plan and the minor changes staff recommended the Commission make. The changes corrected omissions from the adopted version of the Steering Committee; some factual information on water quality recommended by the Pacific Inter-Club Yacht Association and the Regional Water Quality Control Board; and some factual matters concerning the public trust brought to staff's attention by the State Lands Commission. There were no changes in the basic policies.

Mr. Blanchfield referred to the resolution of the City of Sausalito which unanimously adopted the Plan, as did all local governments. He noted the City made a few minor changes to reflect particular characteristics in Sausalito, but the changes are not substantive. They just clarify and emphasize changes to fit Sausalito's needs.

Staff recommended the Commission adopt the Richardson Bay Special Area Plan by adopting Resolution 84-10, appended to the October 19, 1984 staff report that would incude the amendments staff recommended, as well as the revised staff recommended amendments of November 1, 1984. Mr. Blanchfield noted that 18 votes are required for passage.

Commissioner Kondylis deferred to her alternate Carol Singer Peltz, Sausalito Councilmember, for the vote.

Vice Chairman Dustin declared he had some modest reservations but recognized the difficulty of the task and would be pleased to vote for the Plan. Commissioner Fraley called it a great step forward for the Commission and hoped the issuance of permits would be much easier in the future. He commended Commissioner Aramburu for his leadership and hoped the same thing will be done in other areas around the Bay.

Chairman Tufts reminded the Commission of the necessity to divulge ex parte' contact, and was reminded by Mr. Pendleton that ex parte' contact on planning matters is all right and it must be divulged only on permit and enforcement matters.

Commissioner Aramburu, prior to moving passage, thanked the members of the Steering Committee and all the others who participated in the effort, which started in April of 1983, and the planning staffs of the four cities and the County.

Commissioner Brann wished to acknowledge the Buck Foundation financial association, noting that the Buck family were former residents of Solano County.

Commissioner Wise stated he would abstain due to a potential deemed conflict.

MOTION: Commissioner Aramburu moved, seconded by Commissioner Peltz, to approve the Richardson Bay Special Area Plan.

VOTE: On roll call vote, Commissioner Jones advised that the State Lands Commission is not in agreement with the Plan's floating residential structures section believing that the residential uses of the Bay should have a time definite phase out program and development restriction and that she would vote no.

The motion carried, 20-1-1, with Commissioner Jones voting No and Commissioner Wise abstaining.

The Chairman recognized a debt of gratitude to all for the painstaking work and asked for comments from Hans Schiller, former Acting Chairman BCDC and Commission representative to the Steering Committee. Mr. Schiller spoke of the passage of the Plan as a very important moment for the Bay Area and thanked the Commissioners for their efforts, help, and collaboration.

11. Vote on Proposed Bay Plan Amendment No. 3-84 Concerning the San Francisco Bay Area Seaport Plan Designations of the Former Todd Shipyard in the City of Alameda. The Commission is voting on possible changes to the Seaport Plan affecting the former Todd Shipyard site in Alameda. The site is presently designated in the Seaport Plan as a military site for marine terminal development and as a port priority use area. The City of Alameda and Alameda Gateway, Ltd., have requested that the Commission delete these designations, which restrict the site to port-related development and interim uses, from the Seaport Plan. The Commission will consider three alternative amendments: (1) delete the military site designation but retain its near-term marine terminal and port priority use designations; (2) delete the military site and near-term marine terminal designations but retain the port priority use designation; or (3) delete all the port priority use designations from the site. This last alternative also requires the amendment of Resolution No. 16, which legally defines the boundaries of the water-related priority use areas. The public hearing was held on September 20, 1984. Approval of the plan change requires 18 affirmative votes.

Commissioners not present at the September 20, 1984 public hearing indicated they had read the minutes and were prepared to vote.

Phil Kern, BCDC Senior Planner, told the Commissioners the amendment resulted from a request by the City of Alameda to delete the port use designation of Todd Shipyard from the Bay Plan. That would remove an impediment to a project for the site that the City supports.

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
30 Van Ness Avenue, San Francisco 94102 557 - 3686

RESOLUTION NO. 84-10

ADOPTION OF BAY PLAN AMENDMENT NO. 2-84 ADOPTING THE RICHARDSON BAY SPECIAL AREA PLAN AS AN AMENDMENT TO THE SAN FRANCISCO BAY PLAN AND AMENDING BAY PLAN MAP NO. 11

WHEREAS, Government Code Section 66652 states "the Commission at any time may amend, or repeal and adopt a new form of all or part of the San Francisco Bay Plan" and that "such changes shall be consistent with findings and declaration of policy" contained in the McAteer-Petris Act; and

WHEREAS, Commission Regulation Section 10820 (a) states that a "'special area plan' is a plan that applies any or all of the policies of the San Francisco Bay Plan in greater detail to the geographic area covered by the special area plan by means of words, maps and diagrams to serve as a guide to public agencies and private parties as to what fill, dredging, or change in use in any area . . . would appear to be consistent with the McAteer-Petris Act and the San Francisco Bay Plan policies;" and

WHEREAS, Commission Regulation Sections 10820 (b) and (c) state that a "special area plan will take the form of an amendment to the San Francisco Bay Plan" and when adopted by the Commission "shall have the full force and authority of the San Francisco Bay Plan;" and

WHEREAS, the adoption of the Richardson Bay Special Area Plan would amend Bay Plan Map No. 11 and the notes to Bay Plan Map No. 11: Southern Marin County (see attached Exhibits A and B); and

WHEREAS, on August 19, 1982; the San Francisco Bay Conservation and Development Commission adopted Resolution No. 82-16 approving a joint planning procedure with Marin County and the cities of Sausalito, Mill Valley, Tiburon, and Belvedere to prepare a Special Area Plan for Richardson Bay and, pursuant to Commission Regulation Section 10820(e), established a Steering Committee of representatives from the governing body of each of the participating agencies to guide preparation of the Plan; and

WHEREAS, the members of the Steering Committee included Commissioner Albert Aramburu, Chair, representing the Marin County Board of Supervisors; Commissioner Hans Schiller, Vice-Chair, and Commissioners Barbara Eastman and Barbara Kondylis, representing the Commission; Valerie Bergmann, representing the Tiburon City Council; Erwin Farley, representing the Belvedere City Council; Alternate Commissioner Carol Singer Peltz, representing the Sausalito City Council; and Richard Spotswood, representing the Mill Valley City Council; and

WHEREAS, the Steering Committee Chair appointed a 50-member Advisory Committee to represent local individuals and organizations and public agencies concerned with the future of Richardson Bay to assist the Steering Committee in its work; and

WHEREAS, the Commission and Marin County staffs, with assistance of the city staffs and consultants, prepared five planning background reports to serve as a basis of the Richardson Bay Special Area Plan; and

WHEREAS, assisted by the Advisory Committee which conducted four meetings to review and comment on the reports to the Steering Committee, the Steering Committee held nine public hearings on the background reports before taking tentative action on the recommendations of each report; and

WHEREAS, a Draft Richardson Bay Special Area Plan was prepared based on the Steering Committee's tentatively adopted recommendations and the Steering Committee held three additional hearings on the Draft Plan; and

WHEREAS, the Steering Committee unanimously adopted the Richardson Bay Special Area Plan on April 12, 1984 and transmitted it on to the Commission and the five local governments for consideration and action; and

WHEREAS, the Tiburon Town Council unanimously adopted the Richardson Bay Special Area Plan on July 18, 1984; the Marin County Board of Supervisors unanimously adopted the Plan on August 14, 1984; the Belvedere City Council unanimously adopted the Plan on September 4, 1984; the Mill Valley City Council unanimously adopted the Plan on September 17, 1984; and the Sausalito City Council has held public hearings on the Plan; and

WHEREAS, the San Francisco Bay Conservation and Development Commission: (1) decided on May 3, 1984 to consider the Special Area Plan as a possible amendment to the San Francisco Bay Plan and approved a Descriptive Notice of the proposed Bay Plan amendment and set a date for public hearing; (2) distributed the Descriptive Notice and notice of the public hearing to all agencies, organizations, and individuals interested in the proposed amendment on May 4, 1984; (3) distributed the staff report to all agencies, organizations, and individuals interested in the proposed amendment on May 25, 1984; (4) held public hearings on the proposed amendment on June 7, June 21, and June 28, 1984; and (5) mailed the Executive Director's recommendation to all members of the Commission and their alternates and to other agencies, organizations, and individuals interested in the proposed amendment on October 19, 1984; all in accord with the requirements and procedures set out in Government Code Sections 66652 and Regulations 10810, 10811, 10812 and 10827; and

WHEREAS, the Commission as lead agency, has evaluated the environmental impacts of the amendment and alternatives under the Commission's functional equivalency regulation authorized by Public Resources Code Section 21080.5 and finds that there will be no significant adverse environmental impacts from the

amendment because the proposed amendment would provide for the continued review of any proposed fill, dredging, or change in use permissible under the McAteer-Petris Act, the San Francisco Bay Plan, the public trust, the California Environmental Quality Act of 1970, and the Commission's federally-approved Management Program for the San Francisco Bay Segment of the California Coastal Zone; and

WHEREAS, the proposed amendment to the San Francisco Bay Plan would be consistent with the findings and declaration of policy contained in the McAteer-Petris Act because the Special Area Plan is a more detailed application of the Bay Plan policies to Richardson Bay and the Plan provides: (1) that fill is allowed for water-oriented uses only and only when there is no alternate upland location and the fill is the minimum amount necessary, (2) mitigation for water and marsh areas adversely affected is required, and (3) maximum feasible public access to the Bay is required as part of any development in the water or on the shoreline; and

WHEREAS, adoption of the Richardson Bay Special Area Plan as an amendment to the Bay Plan and the amendment of Bay Plan Map No. 11 adopted by this resolution are intended to be part of the Commission's Management Program for San Francisco Bay as approved by the Department of Commerce under the federal Coastal Zone Management Act of 1972, as amended;

NOW THEREFORE BE IT RESOLVED THAT, the San Francisco Bay Conservation and Development Commission hereby adopts Bay Plan Amendment No. 2-84 which consists of:

A. The adoption of the Richardson Bay Special Area Plan dated April 1984 which is incorporated into this resolution by this reference as an amendment to the San Francisco Bay Plan with and including the following modifications (underlined language is added and ~~lined-out~~ language is deleted):

1. Definitions, page 2. Definition 8 is changed to read as follows:

"8. MLLW or mean lower low water means a tidal datum or level which is calculated by determining the mean of the height of the lower of the two daily low tides over a 19-year period."

2. Water Quality Section, page 10. The second paragraph is changed to read as follows:

"Marine and estuarine water, particularly in urban areas, can become polluted and the values and uses of the water severely impaired. Improperly treated sewage discharged into the waters can carry coliform bacteria and biological oxygen demanding substances. Coliform bacteria can ~~transmit~~ cause

diseases ~~to~~ in humans that ingest the water or can contaminate shellfish that, when eaten, can cause human illness. Further, coliform bacteria provide an index of the presence of more virulent pathogens, the presence of which are less easily assayed. Biological oxygen demanding substances deplete oxygen necessary for aquatic life. Heavy metals washed into the waters from streets and parking lots, particularly during the rainy season, can contaminate many forms of aquatic life, particularly resident fish and shellfish. Sediments carried into the water from upland soil erosion can smother fish spawning grounds, increase water turbidity, and contribute to shoreline accretion in areas of minimal tidal circulation."

3. Water Quality Section, Finding 3, page 11. Finding 3 is changed to read as follows:

"3. The water quality of Richardson Bay affects its attractiveness and recreational value. Two critical pollutant measures of whether or not the water is safe for human recreation are the coliform bacteria standards for human water contact recreation and for shellfish harvesting. The levels of coliform bacteria, represent~~ing~~ mainly the release of untreated sewage and graywater~~,~~. ~~decreased dramatically during the period 1962 to 1973, however, during the period 1973 to 1981, levels of coliform bacteria in Richardson Bay increased in some~~ Bacterial testing of Richardson Bay by the Regional Water Quality Control Board in 1973 and 1981 indicated areas of degraded water quality, particularly areas around certain recreational boating and houseboat marinas that lacked sanitary sewer service to houseboats and residential vessels and had minimal tidal flushing."

4. Water Quality Section, Policy 7, page 15-16. Policy 7 is changed to read as follows:

"7. Marinas and yacht harbors should install sewage and graywater pumpout facilities available for public use in easily accessible locations and provide the service free of charge or at a reasonable fee to offset maintenance costs. Marinas should provide on land conveniently located public restrooms. In addition, ~~M~~marinas and yacht harbors with vessels used as residences should provide on land conveniently located restrooms, showers, parking, and garbage disposal facilities adequate to serve authorized resident live-aboard occupants, and, wherever possible, transient recreational boaters."

LETTERS & CORRESPONDENCE

ARIPOSA HUNTERS PT YACHT CLUB
OATING REALTORS YACHT CLUB
RIDGE MARINA YACHT CLUB
OCH LOMOND YACHT CLUB
ORT SONOMA YACHT CLUB
OYOTE POINT YACHT CLUB
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ELTA MARINA YACHT CLUB
ORTH POINT YACHT CLUB
ALLENA BAY YACHT CLUB
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AN JOAQUIN YACHT CLUB
EA BREEZE YACHT CLUB
AN RAFAEL YACHT CLUB
ORINTHIAN YACHT CLUB
OCKTON SAILING CLUB
AN MATEO YACHT CLUB
VER VIEW YACHT CLUB
ENINSULA YACHT CLUB
INDRIFT YACHT CLUB
ARIN YACHT CLUB
LTA YACHT CLUB

METROPOLITAN YACHT CLUB
ANDREAS COVE YACHT CLUB
LITTLE VENICE YACHT CLUB
MARINA WEST YACHT CLUB
SPORTSMEN YACHT CLUB
NORTH BAY YACHT CLUB
SOUTH BAY YACHT CLUB
PITTSBURG YACHT CLUB
INVERNESS YACHT CLUB
RICHMOND YACHT CLUB
BERKELEY YACHT CLUB
MARTINEZ YACHT CLUB
PRESIDIO YACHT CLUB
SEQUOIA YACHT CLUB
AEOLIAN YACHT CLUB
DIABLO SAILING CLUB
OXBOW YACHT CLUB

ORGANIZED 1896

POINT SAN PABLO YACHT CLUB
BEL MARIN KEYS YACHT CLUB
HALF MOON BAY YACHT CLUB
ISLAM SHRINE YACHT CLUB
WEBER POINT YACHT CLUB
TOWER PARK YACHT CLUB
SANTA CRUZ YACHT CLUB
ST FRANCIS YACHT CLUB
STOCKTON YACHT CLUB
SAUSALITO YACHT CLUB
PALO ALTO YACHT CLUB
OAKLAND YACHT CLUB
DOS RIOS YACHT CLUB
VALLEJO YACHT CLUB
HARBOR YACHT CLUB
SOLANO YACHT CLUB
ISLAND SAILING CLUB

THE SAN FRANCISCO YACHT CLUB
RICHARDSON BAY YACHT CLUB
AAHMES SHRINE YACHT CLUB
CRUISER HAVEN YACHT CLUB
DISCOVERY BAY YACHT CLUB
GOLDEN GATE YACHT CLUB
CALIENTE ISLE YACHT CLUB
SACRAMENTO YACHT CLUB
SAUSALITO CRUISING CLUB
SAN LEANDRO YACHT CLUB
MOKELUMNE YACHT CLUB
LOS GATOS YACHT CLUB
SPINNAKER YACHT CLUB
SAN JOSE SAILING CLUB
PETALUMA YACHT CLUB
TIBURON YACHT CLUB
ENCINAL YACHT CLUB
BAY VIEW BOAT CLUB
BENICIA YACHT CLUB
ISLAND YACHT CLUB
DIABLO YACHT CLUB

Pacific INTER CLUB Yacht Association

SAN FRANCISCO, CALIFORNIA

PICYA POSITION ON BCDC REGULATION OF VESSELS

Adopted by Resolution of the Assembly of Delegates
February 6, 1984

I. PICYA does not take any position with respect to residential houseboats, which are defined here as structures used for residential purposes and not for navigation.

II. The use of cooking, eating, and sleeping accomodations on vessels used for recreational or commercial navigation should not be restricted or regulated by BCDC regardless of length of time or site of such use.

III. BCDC does not have authority under the McAteer-Petris Act to regulate recreational or commercial vessels used for navigation because they are not moored for an extended peroid within the meaning of the act. Also, under the public trust doctrine, BCDC does not have authority to regulate the vessels described above because their navigational use is a priority public trust use.

IV. Purely residential "live-aboards", that is vessels not used for recreational or commercial navigation, in recreational marinas should be limited to very special circumstances. There are enough navigational live-aboards

to satisfy most needs for security, safety and social community purposes.

V. BCDC should cease attempts to restrict the discharge of "vessel washdown water, liquid galley, shower, or bath waste, or water discharges necessary for the propulsion or stability of a vessel" because such restriction is prohibited by State Harbors and Navigation Code, Chapt. 6, Sec. 784. The pollution potential of such discharges is negligible.

April 4, 1984

Mr. Al Aramburu
Marin County Board of Supervisors
Civic Center, Room 315
San Rafael, California 94903

Dear Mr. Aramburu:

We are writing you because of our concern about the problem we have with silting in the Salt Works Canal and adjacent Strawberry Channel/Lagoon (see Exhibit I).

It is our hope that with the possible implementation of the "Richardson Bay Special Area Plan" (which addresses dredging as well as a cut in the Strawberry spit), the county and other agencies will consider the needs and wishes of all waterfront property owners, with regard to dredging.

If a channel is actually cut through the Strawberry spit to relocate a portion of the Salt Works (navigable) Canal, maintenance dredging should be completed at the same time. There would be obvious economies by combining these projects.

During the past decade we have experienced severe filling (silting) in this section of Richardson Bay. What used to be navigable water at low tide is now mud. Skiffs, canoes, sailing dingy's etc. are frequently stranded, unable to return to their respective docks until the next high tide.

We hope that by addressing our concerns directly with you we can be considered as a "Richardson Bay Special Area Plan" problem, rather than just a local Strawberry community problem.

The majority of Strawberry waterfront property owners are willing to pay their fair share for maintenance dredging. The most equitable and logical mechanism for maintenance dredging is the establishment of a special assessment district composed of the affected waterfront property owners. This will provide these owners with the water use benefits they desire and the financial responsibility will be limited to these same waterfront property owners.

A partial listing of concerned Strawberry community water front owners who are interested in the formation of a dredging district is attached (Exhibit II).

Will you be kind enough to have your staff study the formation of a special assessment district which will address this navigation problem.

Any response to this letter should be directed to:

Craig W. Dorsey
26 Harbor Cove Way
Mill Valley, CA 94941
Res. Tel.: 383-8032
Bus. Tel.: 332-1010

Dana More
283 East Strawberry Drive
Mill Valley, CA 94941
388-6661
331-2103

Thank you in advance for your courtesy and assistance.

Very truly yours,

Craig W. Dorsey

CWD/sh

cc: Strawberry Recreation District
118 E. Strawberry Drive
Mill Valley, CA 94941

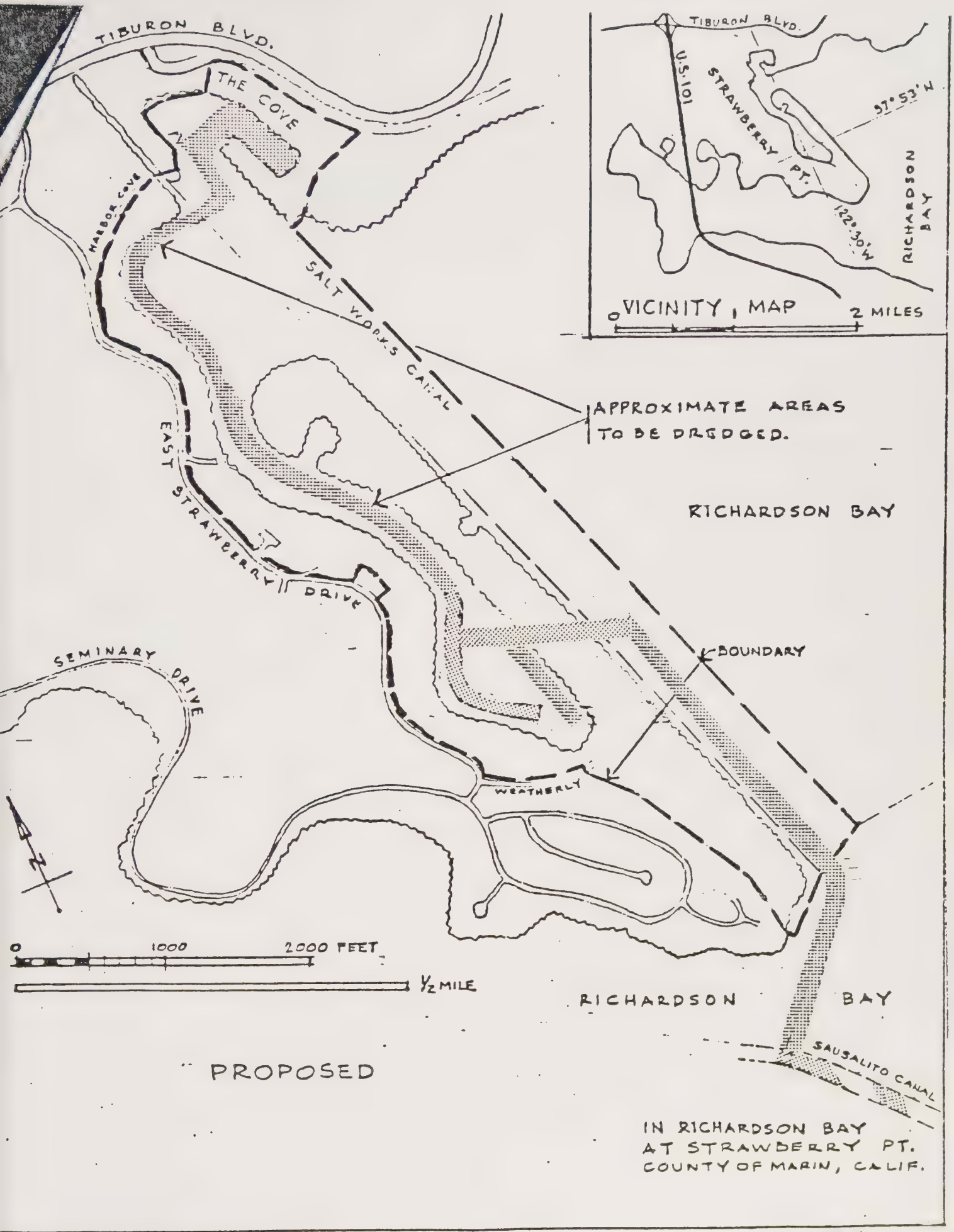


EXHIBIT I

4-4-84

EXHIBIT II

PARTIAL LISTING OF
STRAWBERRY COMMUNITY WATERFRONT PROPERTY OWNERS
INTERESTED IN THE FORMATION OF
A MAINTENANCE DREDGING DISTRICT

Printed Name Ronald M. Bushman
Address 40 Harbor Cove Way
Mill Valley, Ca. 94941
Signature R M Bushman

Printed Name David Grunau
Address 30 Harbor Cove Wy
Mill Valley Ca 94941
Signature

Printed Name ARTHUR & DRUE GENSLER JR.
Address 50 HARBOR COVE WAY
MILL VALLEY, CA. 94941
Signature

Printed Name Tom Hippenmeyer
Address 28 Harbor Cove Way
Mill Valley Ca 94941
Signature Thomas F Hippenmeyer

Printed Name JOHN MANNOCK
Address 373 STRAWBERRY DRIVE
MILL VALLEY CA 94941
Signature

Margaret M. Callinan
367 E. Strawberry Dr.
Mill Valley, Ca. 94941
Margaret M. Callinan

ARNO RAYNOR
275 E. STRAWBERRY DR
MILL VALLEY, CA. 94941
Arno Raynor

DAVID SCHWARTZ - M.D.
227 STRAWBERRY DR
Mill Valley Ca. 94941
David Schwartz M.D.

ALEXANDER GRIELE
267 EAST STRAWBERRY DR
MILL VALLEY. CA 94941
Alexander Griele

[illegible] JOHN J TRINCHERI
259 E. Strawberry Dr.
Mill Valley, Ca. 94941
John J Trincheri

EXHIBIT II

PARTIAL LISTING OF
STRAWBERRY COMMUNITY WATERFRONT PROPERTY OWNERS
INTERESTED IN THE FORMATION OF
A MAINTENANCE DREDGING DISTRICT

Printed Name GEOFFREY L. BUNTING
Address 291 E. STRAWBERRY DR.
MILL VALLEY, CA. 94941
Signature Geoffrey L. Bunting

Printed Name MARLENE B. ALLEN
Address 301 E. STRAWBERRY DR.
MILL VALLEY, CA. 94941
Signature Marlene B. Allen

Printed Name
Address

Signature

Printed Name MARCEL R. EHRER
Address 305 E. STRAWBERRY DR
MILL VALLEY CA 94941
Signature Marcel R Ehrer

Printed Name ELIZABETH R DASS
Address 309 STRAWBERRY DR.
Signature Elizabeth R. Dass

JAMES M. DOODY, JR
313 EAST STRAWBERRY DR
MILL VALLEY, CA 94941
James M Doody Jr.

FREDERICK FOY
325 E. STRAWBERRY
MILL VALLEY CA. 94941
Frederick Foy

CARL T. LEWIS
307 ISLAND Dr.
MILL VALLEY, CA 94941

Allan MacDonald
333 E Strawberry Dr.
M.V. 94941

Richard O. Munden
361 E. Strawberry Dr.
Richard O. Munden

EXHIBIT II

PARTIAL LISTING OF
STRAWBERRY COMMUNITY WATERFRONT PROPERTY OWNERS
INTERESTED IN THE FORMATION OF
A MAINTENANCE DREDGING DISTRICT

Printed Name Sue Rochester
Address 251 E. Strawberry Drive
Mill Valley, Ca 94941
Signature Sue D. Rochester

Printed Name R. Gerald Heinze
Address 231 E Strawberry Dr
Mill Valley, Ca 94941
Signature R Gerald Heinze

Printed Name CHARLES H. MORSE
Address 245 E. STRAWBERRY DRIVE
MILL VALLEY, CA 94941
Signature Charles H. Morse

Printed Name LLOYD WIBORG
Address 70 HARBOR COVE WAY
MILL VALLEY, CA., 94941
Signature Lloyd Wiborg

Printed Name CRAIG W. DORSEY
Address 26 HARBOR COVE WAY
Mill Valley CA. 94941
Signature

EXHIBIT II

PARTIAL LISTING OF
STRAWBERRY COMMUNITY WATERFRONT PROPERTY OWNERS
INTERESTED IN THE FORMATION OF
A MAINTENANCE DREDGING DISTRICT

Printed Name John + Thérèse McGaughey
Address 421 E. Strawberry Dr.
Mill Valley CA 94941
Signature Thérèse M. McGaughey

Printed Name Dana Moore
Address 283 E Strawberry Dr
Mill Valley Ca 94941
Signature Dana Moore

Printed Name _____
Address _____
_____
Signature _____

Printed Name _____
Address _____
_____
Signature _____

Printed Name _____
Address _____
_____
Signature _____

EXHIBIT II

PARTIAL LISTING OF
STRAWBERRY COMMUNITY WATERFRONT PROPERTY OWNERS
INTERESTED IN THE FORMATION OF
A MAINTENANCE DREDGING DISTRICT

Printed Name George Kotkalis
Address 369 E STRAWBERRY DR.
Mill Valley, Ca
Signature

Printed Name
Address

Signature
Printed Name WALTER ANDERSON
Address 371 E STRAWBERRY

Signature
Printed Name
Address

Signature
Printed Name
Address

Signature

EXHIBIT II

PARTIAL LISTING OF
STRAWBERRY COMMUNITY WATERFRONT PROPERTY OWNERS
INTERESTED IN THE FORMATION OF
A MAINTENANCE DREDGING DISTRICT

The Cove Apts. - E.S. Merriman + Sons

Printed Name Property Managers

Address 50 Barbaree Way

Tiburon, Ca/

Signature Maurice V. Copeland, V.P.

Printed Name _____

Address _____

_____

Signature _____

Printed Name _____

Address _____

_____

Signature _____

Printed Name _____

Address _____

_____

Signature _____

Printed Name _____

Address _____

_____

Signature _____

Printed Name _____

Address _____

_____

Signature _____



E BOARD OF SUPERVISORS OF MARIN COUNTY

ADMINISTRATION BUILDING
SUITE 315, CIVIC CENTER
SAN RAFAEL, CALIFORNIA 94903
TELEPHONE (415) 499-7331

April 9, 1984

Mr. Craig W. Brown
Commodore
Sausalito Yacht Club
Post Office Box 267
Sausalito, California 94966

Dear Mr. Brown:

I have looked into the issues which you raised in your letter of March 28 concerning a request for a change in the designation of the areas including and contiguous to the Sausalito Yacht Club clubhouse, docks and mooring buoys on Map 3 of the draft Richardson Bay Special Area Plan. These areas are designated "open water" on Plan Map 3 and you have requested that they be changed to "marine facilities."

The Sausalito Yacht Club clubhouse docks and mooring buoys were designated "open water" on Map 3 of the draft Richardson Bay Special Area Plan in order to conform with the City of Sausalito's zoning for that property. The area for which you have requested a change in designation is owned by the City of Sausalito and is zoned "Open Area" by the City.

The Sausalito Planning Director has informed me that the City Council recently authorized a study of the waterfront from Napa Street southward, including the property leased by the Sausalito Yacht Club. If you wish to pursue a change in zoning designation for this property, you should address your concerns to the Planning Director.

Within the context of the draft Richardson Bay Special Area Plan, the definition of "open water" on Map 3 can be changed to include the activities being carried out by the Sausalito Yacht Club.

The proposed change would read as follows: (Lined-out language would be deleted and underlined language added.)

"1. Open Water. The shallow tidal waters, ~~and tidal~~ marshes, and deeper open waters of Richardson Bay are designated to be protected as open water for aquatic and wildlife habitat; open space and nature study; low intensity water-related recreation use such as fishing, swimming, wind-surfing, and boating ~~including small boat docks and launching ramps, and anchorages and mooring areas where designated on Plan Map No. 1, Navigation and Anchorage Plan~~ activities including the following facilities for recreation cruising craft: floats, dolphins, buoys, small boat docks, and piers (where not in conflict with pierhead and bulkhead lines established by the U. S. Army Corps of engineers), and small boat launching ramps."

OB ROUMIGUIERE, San Rafael, 1st District
HAROLD C. BROWN JR., San Anselmo, 2nd District
Chairman AL ARAMBURU, Tiburon, 3rd District
GARY GIACOMINI, San Geronimo, 4th District
Vice Chairman BOB STOCKWELL, Novato, 5th District
Clerk VAN GILLESPIE, Regular Meeting Tuesday, 9A.M.

Since the intent of Sausalito's Open Area District is to retain the water area for water-oriented uses, the proposed change appears to conform with the intent of Sausalito's zoning ordinance and also to meet your concerns. I shall recommend the change in definition of "open water" on Map 3 of the draft Richardson Bay Special Area Plan at the Steering Committee meeting on April 12.

If you have further questions or comments, please don't hesitate to get in touch with me.

Sincerely,

Al Aramburu
Supervisor, Third District

cc: Russell Wallace
Michael Foley, Sausalito Planning Director
Jeffrey Blanchfield, BCDC
Carol Williams, Marin County Planning Dept

RBSAP

Marin County
Planning Department

Civic Center—San Rafael, California 94903 Telephone 499-6269 Marjorie W. Macris, AICP, Director

April 24, 1984

Craig W. Dorsey
26 Harbor Cove Way
Mill Valley, CA 94941

Dear Mr. Dorsey:

Supervisor Aramburu has given me a copy of your letter asking staff to study the formation of a special assessment district to conduct maintenance dredging in the Salt Works Canal and Strawberry Channel.

Dredging is one of the issues which will be addressed as steps are taken to implement the Richardson Bay Special Area Plan. Financing the improvements recommended in the plan will, of course, be one of the major issues to consider.

The willingness of Strawberry waterfront property owners to participate in an assessment district to pay for maintenance dredging is appreciated. We will look forward to working with you to deal with the problem caused by the saltation of the Salt Works Canal and the Strawberry Channel.

Please call me at 499-6268 if you have any questions or would like to discuss the implementation of the Richardson Bay Special Area Plan.

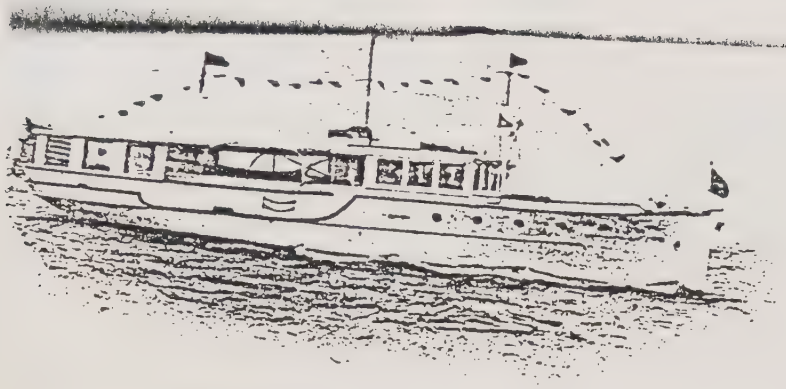
Sincerely,

Carol Williams

Carol Williams
Policy and Program Planner

cc: Supervisor Al Aramburu
Dana More

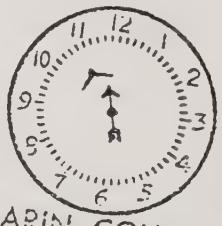
CW:cm



On Board La Jota
Box 582, Sausalito • California 94966

May 9, 1984

MAY 10 '84 AM



The Marin County Board of Supervisors
Marin County Civic Center
San Rafael, CA 94903

Dear Members of the Board:

Enclosed is a copy of our letter of May 9 to the Marin Audubon Society. Also enclosed is a copy of the British research report referred to in it.

The environmental implications of this research are such that Bay Area Boaters felt it imperative you be informed of the situation brought to the attention of the society.

Supervisor Albert Aramburu will soon be presenting to you his Richardson Bay Special Area Plan.

Bay Area Boaters has asked me, as a longtime resident of Southern Marin, to present this fresh and compelling evidence that the special area plan is glaringly deficient in adequate, accurate and scientific research to demonstrate a need for such a plan.

Indeed, the supervisor was forced to delete all reference to "gray water" in his plan, because the Regional Water Quality Control Board found its staff's research inadequate in some respects and inaccurate in others.

Now comes the disturbing information that most of the fecal coliform bacteria in Richardson Bay may come from waterfowl, shorebirds and other wildlife.

While we sympathise with the Audubon Society's discovery that it may be the largest single source of pollution in the bay, we feel that we must recognise the need for more research on this complex problem. We urge you to postpone consideration of the Special Area Plan pending completion of that research.

Sincery yours,

Robert M. Strebeigh, Bay Area Boaters

One Harbor Drive



On Board La Jota
Box 582, Sausalito • California 94965

May 9, 1984

ficers & Directors
rin Audubon Society
x 441
ouron, CA 94920

ar Officers & Directors of the Society:

closed is an important and thorough study of the contribution of gulls to water pollution. It was prepared by British research- D.J. Gould of the Water Research Center in Stevenage and M.R. tcher of the Pest Infestation Control Laboratory in Guildford.

was made available to me by the Regional Affairs Committee of Pacific Inter-Club Yacht Association.

eel obligated to share it with you because of the gravity of its dings and what it suggests with regard to the sanitary habits of erfowl and shorebirds in general.

le 6 of this report states that the average daily production of al coliforms in an individual human being's untreated waste is 5 billion organisms.

gulls of the four types studied ranged in production of fecal .forms from 303 million organisms per gull each day to 620 ion, to 1.77 billion to 5.01 billion organisms. In short, sea- production of fecal coliforms per bird ranged from a minimum of ttle less than one-sixth that of an adult human being to more 2.5 times that of a human being.

keep in mind that the seagull's impressive production of fecal iforms compared to that of man becomes even more so when you re- e that most human waste is treated, whereas gull waste is not. ould seem reasonable to conclude that, in the circumstances, the tt coliform-productive seagull contributes at least as much, if more, such bacteria to our waters than man.

implications here are disturbing when one considers the March 13 ement of your conservation committee chairwoman to the effect that 350,000 migratory waterfowl and shorebirds use the Audubon uary waters alone during the winter months."

(over)

One can but shudder as one ponders the annual volume of untreated waste from this large population (much of it from heaven knows where).

In that connection, it should be noted that a goodly proportion of those avian visitors and permanent residents of your sanctuary are ducks. In table 6, you will find that the horrendous figure for each duck's production of fecal coliforms each day is 11.08 billion organisms, more than 5 times the number produced by an adult human being.

I hesitate — soley out of politeness — to suggest that your society is operating a public nuisance, or that it is a major polluter of Richardson Bay. But, in the light of your endorsement of the BCDC staff's recent reports on the habits of yachtsmen and on Richardson Bay, you surely will wish to review the operation of your sanctuary to determine if it is an activity that should be cleaned up or shut down.

After all, if you are prepared — on the basis of no sound research or evidence— to say that people living on their boats must be driven from the bay as polluters, this thorough and alarming report must make you, at least, ask if you are not only fouling your own nest, but that of others as well.

Sincerely yours,

Robert M. Strebeigh
Bay Area Boaters

Copies: S.F. Bay Conservation & Development Commission
S.F. Bay Regional Water Quality Control Board
Marin County Dept. of Environmental Health
Marin County Board of Supervisors
City Councils of: Belvedere, Mill Valley, Tiburon, Sausalito.
League of Women Voters of Marin
Regional Affairs Committee, Pacific Inter-Club Yacht Associati
Secretary, Bay Area Boaters

May 11, 1984

Dear Tenant:

We are in the process of trying to persuade the authorities to remove certain hazards to navigation, which exist at the entrance to our harbor as a result of trespassers anchoring their boats and debris barges.

These hazards are more particularly described in the attached affidavits. We have prepared a document for each of the agencies which we are trying to persuade to take responsibility for the removal and would appreciate your signing the attached affidavits so that we may motivate them to act. Enclosed are stamped, return addressed envelopes for your convenience. We would appreciate your cooperation in this matter.

Sincerely,

MICHAEL J. KUTSKO

MJK:kr

RECEIVED

MAY 22 1984

MARIN COUNTY
PLANNING COMMISSION

REQUEST TO BCDC TO ABATE NAVAGATIONAL HAZARD
AT THE ENTRANCE OF MARINA PLAZA YACHT HARBOR

I am a tenant at the Marina Plaza Executive Yacht Harbor located in the City of Sausalito, County of Marin, State of California, and currently lease berthing space for my vessel at that location. Adjacent to and at the entrance to the harbor, approximately six live-aboard boats are anchored and present hazards and obstructions to my safe ingress and egress from the yacht harbor. In addition to the boats, a low-lying barge covered with wooden debris is anchored in the same location and presents a further danger to ingress and egress from the harbor. These dangers exist during the daytime, and are aggravated at night because of the low profile of these vessels and the difficulty of spotting them in the dark during operations at the harbor. Therefore, in the interests of safety, the undersigned hereby requests that you abate these dangers immediately.

Dated:_____ _____

COUNTY OF MARIN

DEPARTMENT OF HEALTH AND HUMAN SERVICES
MEMORANDUM

DATE : May 21, 1984

TO : Ed Stewart

FROM : Ted Hiatt

SUBJECT: Report on Avian Excretion of Coliforms

It should come as a surprise to no one that seagulls, ducks, etc. defecate in and around Bay waters. What surprises me is that Mr. Strebeigh parlays a simple study of specific bacterial content of gull feces into "a thorough and alarming report," showing "horrendous" numbers of organisms, that proves birds in general and the Audubon sanctuary birds in particular are "major polluters" of Richardson Bay.

The background purpose of the study was to determine(eventually) if gulls, feeding on human waste, thereafter carried Salmonella sp. into inland waters, especially reservoirs, in sufficient quantity to represent a danger to human health. There was no conclusion reached or reachable in terms of Salmonella, but there was verification of the obvious -- the greater the number of birds living in, on and around natural or other open waters, the greater will be the background coliform count. There was a second conclusion that was new to me -- the sheer mass of bird droppings can measurably alter the nutrient content of open waters in modern times, due to there being increasing numbers of scavenger birds feeding on human waste.

I see no special need to make any coliform counts or conduct further research on the subject.

Bird feces in Bay waters present no particular threat to human health. (We know that most birds' feces contain Salmonellae, and we strive to keep Salmonellae out of the food we eat and the water we drink. If it should ever be proven that seagulls carry human pathogenic organisms from garbage dumps and outfalls of untreated sewage back into fresh water supplies, the proper points of control would be water treatment, and stopping the illegal dumping of raw human waste in whatever ways had been giving the scavenger birds access to it).

Even healthy human feces being dumped into the Bay does not endanger anyone else. But the discharge of just one sick person's raw wastes into the general environment endangers everyone who might come into contact with it.

Since we cannot identify or isolate all sick people, this society long ago adopted the only workable goal there is -- keep all human excreta out of lakes, rivers, streams, bays, inlets and seashores.

After all, we live downstream from Redding, Red Bluff, Chico, Sacramento, Auburn, Merced, Stockton and a hundred other cities and towns. We expect all those folks to keep their waste out of the water. I see no reason to make any exception for anyone for any reason.

TH:jm
CC: Al Aramburu

Independent Journal

Holding tanks for waterfowl in bay?

A crash program to clean up Richardson Bay by fitting waterfowl with tiny holding tanks apparently has been suggested by a Sausalito yachtsman.

THE SOMEWHAT ORIGINAL approach to the previously unacknowledged problem of avian pollution is a logical extension of his argument that sewage pollution from boats is a minor irritant when compared to the discharge from hundreds of thousands of birds.

The yachtsman, Robert M. Strebeigh, has his sights on regulations proposed by the Bay Conservation and Development Commission to crack down on pollution from boats. As a longtime newspaperman and a former city editor of the Independent Journal, he knows how to get attention.

Taking aim at the Marin Audubon Society, an ardent proponent of the regulations, Strebeigh cited a study by two British researchers who found that seagulls can contribute significantly to water pollution.

IN A LETTER to the society, he wrote, "I feel obligated to share it with you because of the gravity of its findings and what it suggests with regard to the sanitary habits of waterfowl and shorebirds in general"

Summarizing the study, Strebeigh reported that "seagull production of fecal coliforms per bird ranged from a minimum of a little less than one-sixth that of an adult human being to more than 2.5 times that of a human being.

"But keep in mind that the seagull's impressive production of fecal coliforms to that of man becomes even more so when you realize

Paul Peterzell



that most human waste is treated, whereas gull waste is not ...

"ONE CAN BUT shudder as one ponders the annual volume of untreated waste from this large population, much of it from heaven knows where ...

"I hestitate — solely out of politeness — to suggest that your society is operating a public nuisance, or that it is a major polluter of Richardson Bay. But, in light of your endorsement of the BCDC staff's recent reports on the habits of yachtsmen on Richardson Bay, you surely will wish to review the operation of your sanctuary to determine if it is an activity that should be cleaned up or shut down."

It was at this point that we figured he must be proposing the tiny holding tanks, which presumably would be pumped out at some remote treatment plant.

Finally, Strebeigh punned, "this thorough and alarming report must make you at least ask if you are not only fouling your own nest, but that of others as well."

HIS SENSE OF DRAMA, however, was dismissed by a knowledgeable source, Phyllis Faber of Mill Valley, a microbiologist, marsh ecologist and consultant to the California Coastal Conservancy and U.S. Fish and Wildlife Service.

"All of this is specious; he is trying to confuse people," she said. According to University of California studies, hepatitis is the only water-transported disease in the bay and gulls do not carry hepatitis, she said.

The reason anyone looks at the coliform level is because they are concerned about transmittable disease, so the level in birds is "really irrelevant," she said.

Barbara Salzman, chairman of the Audubon Society's conservation committee, added the main danger from birds is that they can pick up human disease from untreated human sewage.

SHE ALSO SAID THAT the peak bird population occurs in winter, when tides are higher and thus flushing action greatest.

Strebeigh's suggestion that the sanctuary be closed hardly would carry weight with the birds, she added. Unlike yachtsmen, "They are part of the natural scene, unless we want to change the whole natural balance," she said.

The battle between the birds and the boaters resumes at 1 p.m. Thursday before the commission in Room 1194 of the State Building, 450 Golden Gate Ave., San Francisco.

The bottom line is that the yachters can live on land; waterfowl cannot.

Paul Peterzell is a veteran IJ political reporter. His column appears on alternate Wednesdays.

[illegible]
2[illegible] N. Strawberry Drive
Mill Valley, CA 94941

May 23, 1984

RECEIVED

MAY 25 1984

MARIN COUNTY
PLANNING COMMISSION

Ms. Carol Williams
Policy and Program Planner
Marin County Planning Dept.
Civic Center
San Rafael, CA 94903

Subject: Draft Richardson Bay Special Area Plan
dated January, 1984

Dear Carol:

On behalf of the waterfront property owners along the Salt Works Canal, and the navigation channel from the Cove Apartments to and through the Strawberry Spit, I want to strongly object to the wording of paragraph 5, page 31 of the subject report. This states:

> "The Salt Works Canal and the locally designated navigation channel from Greenwood Cove through Strawberry Lagoon should not need to be dredged. If maintenance dredging is proposed, the dredged channel depth should not exceed -8 feet MLLW. The Salt Works Canal in front of the Strawberry Spit wildlife preserve area should not be dredged."

As you are aware, the waterfront property owners are trying to form an assessment district to have the entire area dredged. A copy of letter to Mr. Al Aramburu signed by the majority of waterfront property owners is attached. This letter clearly expresses the need to dredge by the people who have the most direct knowledge of the area.

Irrespective of how this paragraph was developed, it is incorrect. Much of the navigation channel is simply not navigable except at high tides.

I would suggest the following wording:

> "The Salt Works Canal and the locally designated navigation channel from Greenwood Cove through Strawberry Lagoon will need periodic dreding to insure free navigation. "

Sincerely,

Dana More

DM/kab
Enclosure

cc: Mr. Al Aramburu

DEPARTMENT OF HEALTH AND HUMAN SERVICES
COUNTY OF MARIN
HALL OF JUSTICE
CIVIC CENTER
SAN RAFAEL, CALIFORNIA 94903
~~PHONE 479-1100 EXT. 4214~~
499-6907
ENVIRONMENTAL HEALTH SERVICES

RICHARDSON BAY SPECIAL AREA PLAN

JUN 11 1984
SAN FRANCISCO BAY CONSERVATION & DEVELOPMENT COMMISSION

June 7, 1984

Mr. Robert M. Strebeigh
P.O. Box 582
Sausalito, CA 94965

Dear Mr. Strebeigh:

I have received your May 9th letters and attached study addressed to the Board of Supervisors and the Marin Audubon Society.

Although there is general reference to the issues of total water quality of Richardson Bay, as I see it, the thrust of the Special Area Plan as it relates to water quality is to address the issues associated with man's impact upon the quality of water and specifically, as I am concerned as a public health official, the need to keep all of man's untreated wastes from this body of water.

Therefore, the notion that other animals contribute to the "pollution" of the Bay waters or that they may also contribute pathogens (unproven by attached report) is not at all pertinent.

Further, if it could ever be proven that scavenger birds feeding upon human wastes carry viable human pathogens in sufficient numbers to endanger public health, then the proper points of control would be to address the issues of illegal dumping of human wastes or whatever mitigations may be necessary to eliminate the source of contamination.

I trust that this letter properly addresses your concerns. If you wish to discuss the issue further, please call.

Very truly yours,

Edward J. Stewart, Acting Chief
Environmental Health Services

EJS:mm

cc: Audubon Society
S.F. Bay Conservation & Development Commission ✓
S.F. Bay Regional Water Quality Control Board
Marin County Board of Supervisors
City Councils of: Belvedere, Mill Valley, Tiburon and Sausalito
League of Women Voters of Marin
Regional Affairs Committee, Pacific Inter-Club Yacht Association
Secretary, Bay Area Boaters

RECEIVED
JUN 12 1984
SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

June 8, 1984

Mr. Al Aramburu
Marin County Board of Supervisors
Civic Center, Room 315
San Rafael, CA 94903

Subject: Draft Richardson Bay Special Area Plan
Dated January 1984

Dear Mr. Aramburu:

As you are aware by our letter to you dated April 26, 1984, the preponderance of the waterfront owners along Greenwood Cove to the south end of the Strawberry lagoon support dredging the area. Both the Harbor Point Apartment Complex and the Strawberry Spit management have expressed support of the dredging and a willingness to participate in a maintenance dredging district based on cost and benefits.

In the case of Harbor Point Apartments, their interest in participating would be based on being allowed docks. The Strawberry Spit management feels its involvement should be limited to the nine lots on the lagoon which may someday be able to get docks. The Strawberry Spit management does not see any direct benefit to the lots facing the new channel separating the seal haul out island or the lots facing the Salt Works Canal because of the public walkway and park which separate these lots from the water.

We currently have Mr. Edward Ness, Esquire, reviewing the feasibility of forming a maintenance district. Apparently this differs from a District whose function is a capital improvement. He is also guiding us in the technical aspects of the District formation. Mr. Ronald Simpkins of Ronald Simpkins and Associates has prepared a preliminary dredging plan.

The subject draft has statements in it which, in my opinion, conflict with the interests of the waterfront property owners of two miles of bay front.

First and most important is the statement on page 31, paragraph 5.

> The Salt Works Canal and the locally designated navigation channel from Greenwood Cove through Strawberry Lagoon should not need to be dredged. If maintenance dredging is proposed, the dredged channel depth should not exceed -8 feet MLLW. The Salt Work Canal in front of the Strawberry Spit wildlife preserve area should not be dredged.

As I expressed in my letter to Ms. Carol Williams of the Planning Department, May 23, 1984, the canal does need to be dredged. If it does not, why are so many owners willing to spend their own money to do so? For many, there is simply no water at mean low tide; and for those fortunate enough to have more water, they are constrained by the Salt Work Canal which is only 30 inches deep at mean low tide. Considering the statement on page 29, item 2, "Typical average sedimentation rates in artificial dredge channels in Richardson Bay amount to about 0.5 feet per year; there will be no navigation in five years." How item 6, page 30, "Depths in both the existing Salt Works Canal and in the natural channel to the upper end of Richardson Bay (Saucelito Canal) appear to be in equilibrium with the tidal currents so that additional shoaling is not anticipated and thus dredging would not be necessary," was concluded based on the above is contradictory.

It seems to me that keeping the Salt Work Canal a viable waterway at all times would benefit not only navigation, but water quality and seal access as well.

The suggested maximum dredging depth of eight feet seems to be arbitrary and in conflict with common sense. Item 2, page 26, states, "The typical sail-powered pleasure cruising vessel using Richardson Bay has a draft to the bottom of the keel of about five feet. Motor cabin cruisers typically draw two to three feet and commercial fishing vessels have drafts to ten feet." If the average sail boat drawing five feet is trying to operate at a minus 1.6 ft. tide, the maximum dredging depth of eight feet would allow navigation for only two years, based on the 0.5 ft. per year siltation. Obviously, this is an extreme example, but I think those benefitting from the dredging should decide on the cost-benefit considerations.

Page 11, item 10, states, "There are two shellfish beds in Richardson Bay that contain approximately 146,000 clams. However, shellfish are not presently authorized to be taken from these beds for human consumption because they contain pollutants. The Richardson Bay Shellfish population can be expected to flourish and be safely taken for consumption by recreational clammers after water pollution has been significantly reduced." The draft map shows the Salt Works Canal going right over a portion of these beds. If the canal is never dredged, then there is no problem; but if, as the propery owners desire, it is dredged, provisions must be made to accommodate this. In the extreme, this might mean rerouting the canal slightly.

Page 11, item 13, states, "The state Mount Tamalpais Game Refuge and the Audubon Society's Richardson Bay Wildlife Sanctuary help protect Richardson Bay wildlife. No boating is allowed within the 900 acre Audubon Society Sanctuary during the winter months when the Sanctuary is heavily used by migratory waterfowl as a resting and feeding area (see Figure 2)." Does this mean the Salt Works Canal will be closed during this timeframe? I pray it is not. This needs to be clarified.

In soliciting the signatures on our original letter to you, I do not recall one waterfront property owner being aware of the subject plan. (Obviously, Mr. Dorsey and I were aware of it, as you had brought it to our attention when we first contacted you regarding the dredging.) Given the impact the report will have on all of us, I would hope you would keep each of us posted on its progress. I am enclosing a list of the owners for you. I will also request that Planning and BCDC keep us apprised of its progress.

Please see if this plan can be brought into conformance with our needs.

Sincerely,

Dana More

DM/sd

Dana More
283 E. Strawberry Drive
Mill Valley, CA 94941
Bus. 331-2103
Res. 388-6661

Craig W. Dorsey
26 Harbor Cove Way
Mill Valley, CA 94941
Bus. 332-1010
Res. 383-8032

cc:

Margit Hind
San Francisco Bay Conservation
and Development Commission
30 Van Ness Avenue, Room 2011
San Francisco, CA 94102

Carol Williams
Marin County Comprehensive
Planning Department
Marin Civic Center
San Rafael, CA 94903

cc: Waterfront Property Owners

arin Audubon Society Box 441 Tiburon, California 94920

June 15, 1984

ert Strebeigh
582
salito, CA 94965

r Mr. Strebeigh:

Members of Marin Audubon's Conservation Committee and Board of ectors have reviewed your humorous letter and the British Study ull Droppings.

Birds (and their droppings) are an integral part of the natural ronment of San Francisco Bay. Potential dangers to human health lt from untreated human wastes discharged into the Bay.

We suggest that you contact the Marin County Department of En- umental Health or the Department of Health and Human Services if ish further information on this matter.

Sincerely yours,

Barbara Salzman, Chair
Conservation Committee

CDC
arin Co. Planning Dept. Carl Williams
arin Co. Department of Environmental Health
arin Co. Department of Health and Human Services

RECEIVED
JUN 19 1984
MARIN COUNTY
PLANNING COMMISSION

A Branch of National Audubon Society

One Harbor Drive

...OSA HUNTERS PT. YACHT CLUB
...TING REALTORS YACHT CLUB
...GE MARINA YACHT CLUB
... LOMOND YACHT CLUB
... SONOMA YACHT CLUB
...TE POINT YACHT CLUB
...ER POINT YACHT CLUB
...A MARINA YACHT CLUB
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... SUTTER YACHT CLUB
...OAQUIN YACHT CLUB
...BREEZE YACHT CLUB
...RAFAEL YACHT CLUB
...NTMAN YACHT CLUB
...ATON SAILING CLUB
...MATEO YACHT CLUB
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...NSULA YACHT CLUB
...DRET YACHT CLUB
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METROPOLITAN YACHT CLUB
ANDREAS COVE YACHT CLUB
LITTLE VENICE YACHT CLUB
MARINA WEST YACHT CLUB
SPORTSMEN YACHT CLUB
NORTH BAY YACHT CLUB
SOUTH BAY YACHT CLUB
PITTSBURG YACHT CLUB
RIVERPASS YACHT CLUB
RICHMOND YACHT CLUB
BERKELEY YACHT CLUB
MARTINEZ YACHT CLUB
PINOLE YACHT CLUB
SEQUOIA YACHT CLUB
AEOLIAN YACHT CLUB
DIABLO SAILING CLUB
ORBOW YACHT CLUB

ORGANIZED 1896

POINT SAN PABLO YACHT CLUB
BEL MARIN KEYS YACHT CLUB
HALF MOON BAY YACHT CLUB
ISLAM SHRINE YACHT CLUB
WINDER POINT YACHT CLUB
TOWER PARK YACHT CLUB
SANTA CRUZ YACHT CLUB
ST. FRANCIS YACHT CLUB
STOCKTON YACHT CLUB
SAUSALITO YACHT CLUB
PALO ALTO YACHT CLUB
OAKLAND YACHT CLUB
DOS PROS YACHT CLUB
VALLEJO YACHT CLUB
HARBOR YACHT CLUB
SOLANO YACHT CLUB
ISLAND SAILING CLUB

THE SAN FRANCISCO YACHT CLUB
RICHARDSON BAY YACHT CLUB
ADMIRAL'S SHORE YACHT CLUB
CRUISER HAVEN YACHT CLUB
DISCOVERY BAY YACHT CLUB
GOLDEN GATE YACHT CLUB
CALIENTE CAL YACHT CLUB
SACRAMENTO YACHT CLUB
SAUSALITO CRUISING CLUB
SAN LEANDRO YACHT CLUB
MORELLO MARINE YACHT CLUB
LOS GATOS YACHT CLUB
SPINNAKER YACHT CLUB
SAN JOSE SAILING CLUB
PETALUMA YACHT CLUB
TIBURON YACHT CLUB
PACIFIC YACHT CLUB
BAY AREA BOAT CLUB
HERCULA YACHT CLUB
ISLAND YACHT CLUB
DIABLO YACHT CLUB

Pacific INTER CLUB Yacht Association

SAN FRANCISCO, CALIFORNIA

PICYA POSITION ON THE RICHARDSON BAY SPECIAL AREA PLAN

Adopted by Resolution of the Board of Directors
June 18, 1984

PICYA wishes to thank the Richardson Bay Special Area Plan Committee and staff for listening to our concerns about certain aspects of the plan. Some of the plan proposals try to accommodate our concerns. We would like to thank the committee and its chairman for giving consideration to our position.

PICYA recognizes that special problems exist in Richardson Bay. As previously stated, PICYA's only concern is with navigational vessels and facilities for their accommodation. Non-navigational uses of Richardson Bay are certainly subject to local controls and these controls should be vigorously enforced. We feel that these special problems are unique to Richardson Bay and need not be considered elsewhere.

The plan recommends some future actions which PICYA believes may be a major detriment to recreational boaters; they are:

1. Changes in the Coast Guard anchorage regulations.
2. Establishment of a federal no discharge zone.
3. Possible restrictions on vessel graywater discharge.

These actions would be the responsibility of other agencies. PICYA will comment to the agencies involved. Changes detrimental to recreational boaters will be vigorously opposed. There are findings in the plan related to these subjects which are in error by ommission, or contrary to fact, or not established by fact. Because of the legal standing of plan findings we will offer factual comment on those which we believe are in error. We hope that the commission will correct them. Our further comments will be given by several representatives of PICYA.

COPY COPY COPY

RECEIVED
JUN 21 1984
SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

B.69 Issaquah Dock,
Sausalito,
CA.94966.

Robert Tufts, Chairman,
San Francisco Bay Conservation and Development Commission,
30 Van Ness Avenue,
San Francisco, CA.94102.

June 19, 1984.

Dear Sir,

re: Richardson Bay Special Area Plan, April 1984.
Residential Vessels and Floating Structures, page 27.

Your suggested policies concerning anchor outs do not appear to take into consideration the residents of the houseboat marinas to which you wish to assign an unspecified number of anchor outs.

We speak as Waldo Point Harbor residents, where many of us have resided for a number of years.

We define anchor outs as being occupied floating structures, most of which were built in violation of County codes, with no enforcement effort on the part of the County. To our knowledge none are equipped to prevent pollution from sewage and grey water being expelled from them and they are moored with complete disregard for navigation requirements of others who wish to use the Bay.

Romanticizing about life anchored out on the Bay is one thing, interfering with navigation, intruding on the recreational use of the Bay and polluting it with raw sewage and greywater is another.

Because the County has chosen to not enforce existing laws that apply to vessels occupied as residences is no reason to foist the resulting problems on us.

- It is documented in police and Coast Guard records that a number of known thieves are living and conducting business anchored out. We don't want them living in our Harbor with us;

- It is documented that drug dealers traffic from the anchor out boats and we don't want them living here;

- When anchor outs manage to gain access onto our docks, which we try to prevent, they bring ashore all their dogs with complete disregard to helping keep the area clean; they often return to their skiffs drunk or doped up and shout and make as much noise as possible; their friends stand on our docks at all times of the day and night and shout for them to come and get them; They even shoot rifles between our boats to attract their friends' attention. If we complain they threaten us and we are subjected to vandalism.

- Those anchor outs with power boats roar in and out of our harbor causing huge wakes and making it very difficult for residents on some houseboats to cook and sometimes even to stand, and when a speed limit sign is put up they tear it down. Neither the County Sheriff nor the Coast Guard have ever taken any action against such persons, despite continuing complaints;

- The people anchored out make all sorts of noise at all times of the day and night, which people on shore would not have to put up with but we have to because neither the police nor the coast guard will deal with the problem. How will the law deal with them if they live here, as you propose. They'll probably turn a blind eye as they do now with any matter which occurs in the Co-op area, short of murder;

- The lines from the anchor outs are now so confusing that it is impossible to sail into our own harbor. We have to power in very slowly on a zig-zag course and navigation at night is almost impossible. Are we supposed to expect these people to suddenly become considerate adults if they move in closer?

- Our parking is extremely limited. The anchor outs often park their cars in our spaces now and as a result we have difficulty finding the parking spaces that are required and provided for us and for which we pay the Harbor. We have no parking available for additional boats.

Most of the traditional anchor outs from before 1977 were offered or given berths at our Harbor when the houseboat marina was brought up to code. Since the development started we have been faced with a constant growth of structures anchored out, sometimes as close as 50' from our homes, and in some cases these are people who sold their leaserights at our Harbor for a large profit and then got another structure and anchored it out. Now you are proposing they be allowed to come back here!

How is it that you and the County propose to control what occurs after you pass new legislation but are unable to do so now under current law?

While the interminable discussions about the appropriateness of residential uses on the water and other strictly planning issues continue, we propose and urge that you, the County of Marin and anyone else in a position of authority and responsibility take immediate action to solve the immediate problems that directly affect us :

1. Mark, clear and enforce channel right of ways;

2. Prohibit dumping of pollutants and put the burden of complying on the polluters not nearby property owners, houseboat residents, or taxpayers - and abate those who don't comply as a nuisance; and

3. Abate all other nuisances and prosecute criminal activities when they occur.

In other words, stop talking and act.

Start enforcing law already available to you instead of ducking problems by putting off their solution to the dim future via the planning process. Marin County has dragged the entire Bay area and the entire yachting community into what is essentially a Waldo Point/Strawberry problem because of the reluctance of the County to deal with a narrow local problem which can be solved with existing law.

If you follow our recommendations you will gain the dual benefit of allowing more rational discussions of purely planning issues because those issues will not be clouded by anger on the one hand and the fear of overkill on the other.

We trust that you will consider these comments seriously and look forward to a response.

Yours very truly,

J. Thomas Kornrumpf.

Pamela Butler

Gerald A. Borkenhagen

Paul B. Hartnett

Georgina Ritchie

cc. Alan Pendleton, Executive Director, B.C.D.C.
Al Aramburu, Supervisor 3rd District.

ALMONTE DISTRICT IMPROVEMENT CLUB
Incorporated

105 Wisteria Way, Mill Valley, CA 94941

June 21, 1984

To Members of the San Francisco Bay Conservation and Development Commission, the City Councils of Sausalito, Mill Valley, Tiburon; Belvedere the Marin County Open Space District/Parks and Recreation Planner, Mr. Paul Lord and Supervisor Arambaru

Dear Commissioners and Council persons:

As you know, one concern of your jurisdictions is environmental protection for wild life that includes not only marsh enhancement for habitat, but concern for open waters used for resting and feeding.

Audubon and Fish and Game patrols were notified last year by the Coast Guard that buoys and other impediments or navigational regulation or enforcement were the jurisdiction of the 12th Coast Guard Region. Warden Russ Ild and California Department of Fish and Game, upon research verified this.

Without regulation the seal and bird protections identified in the Richardson Bay Special Area Plan have no protection from wind-surfers, motorized boating and navigational intrusion into areas requiring protection in the area identified on page 20, Figure 3 as Federal Anchorage. It will be necessary to petition the Coast Guard to develop seasonal restrictions through their anchorage regulation process. These will need to be dveloped in the context of the Rivers and Harbors Act with reference to maritime or commercial interests for safety although the Coast Guard does have a division for Marine Environment and Port Safety.

I urge the County of Marin and BDCD and those supportive of the Richardson Bay Special Area Plan to initiate a petition and to provide language and a mapping of the State Wildlife Preserve (all land areas not within city limits) of Richardson Bay which once included at this Preserve's inception all of Richardson Bay not in Sausalito, but now excludes those portions of Mill Valley and Tiburon annexed in recent years. Mapping correction of Figure 2, page 9 needs to be done, therefor. Recognition of the Preserve, of the need for season protection, page 8 should add patroling of Upper Richardson Bay "and of the Audubon Sanctuary and by posting of notice of channel or boat speed restrictions ~~in upper Richardson Bay.~~"

Thank you and sincerely,

Margaret Kettunen Degart

Margaret Kettunen Degart
ADIC Board
Richardson Bay Special Area Plan Advisory Committee



On Board La Jota

Box 582, Sausalito • California 94965

June 25, 1984

Mr. Edward J. Stewart
Chief of Environmental Health Services
Health & Human Services Department
Marin County Civic Center
San Rafael, CA 94903

Dear Mr. Stewart:

In reply to your letter of June 7 -- which appears to rely heavily on Dr. Hiatt's May 21st memo -- I must concede that confusion has been devastatingly contagious since publication of the BCDC staff's report on houseboats and liveaboards.

For the record: absolutely **nobody is espousing discharge of untreated human waste** in bay waters. The boating community, whose environmentally concerned members can be counted in the tens of thousands, is entirely in support of efforts to improve water quality. It is for that reason that the Pacific Inter-Club Yacht Association and Bay Area Boaters strongly endorse the requirement that boats having toilets be equipped with Coast Guard-approved marine sanitation devices.

Neither your staff, nor the BCDC staff, nor the RWQCB staff, nor the members of the Audubon Society, nor anyone else, has demonstrated that there is a significant number of boats that fail to comply with laws requiring MSDs which provide secondary-level treatment of waste. Such cannot be demonstrated, because **no such situation exists.** All of us, the public and public servants alike, have been embroiled for months in needless discussion of a nonexistant problem: pollution of the bay by boaters.

Whatever worth other aspects of the BCDC staff's work may have, its recommendations -- insofar as they relate to boats and boaters -- are founded soley on prejudice and guesswork and will not improve bay water quality one whit.

Your rejection of the view that other animals than man contribute to pollution of the bay and also contribute pathogens is at variance with the findings of the State Department of Health and the California Regional Water Quality Control Board. In its summary report on the 1979-82 shellfish program studies, published in January 1983, the latter stated that "wastes from pets and wildlife...have public health significance because of the number of human pathogens that ptentially can be transmitted by animals."

(continued)

In commenting on the severity of pollution in Foster City Lagoon and its discharge into the bay, the state board made pointed reference to ducks living in the lagoon.

You will recall that on May 9th I had the unhappy task of alerting the Audubon Society to the fact that a single duck produces more than five times (5.6 times, in fact) the number of fecal coliforms found in the untreated waste of an adult human being.

But the point here -- which many seem to wish to avoid facing up to -- is not that man's health is endangered by the presence of birds. The point is that **the fecal coliform count is invalid as a determinant of the presence of human waste.**

It is understandable, if not respectable, that the BCDC staff would choose to duck that issue. After all, it is on that count that it, as well as the RQWCB staff, relies to accuse the boating community of polluting the bay. And it is on that unfounded accusation that the staff bases its houseboat and liveaboard report and its Richardson Bay Special Area Plan.

Given the staggering production of fecal coliforms by ducks, gulls and other creatures great and small, man's contribution cannot be segregated and determined.

There are those who, in the past, could claim that the high ratio of fecal coliforms to fecal streptococci in human waste, compared to that of other creatures, made it possible to distinguish man's contribution. That claim, however, has been shown to be invalid by the Gould-Fletcher research which reveals the ratio in seagull droppings. In man the ratio is 4.3 fecal coliforms to one fecal streptococcus. **In the four species of gull studied, the ratios are, respectively, 87, 135, 340 and 585 to one.**

All that remains to support the BCDC staff's houseboat & liveaboard report is the staff's bias and imagination. All that remains to support references to boats in the Richardson Bay Special Area Plan is the staff's bias and imagination.

Surely, the county health department does not wish to associate itself with those two disreputable exercises in inductive reasoning, those thinly disguised attacks on the boating community, wherein "improving water quality" is but a pretext for seizing control of the bay's harbors, marinas and anchorages.

Sincerely yours,

Robert M. Strebeigh

Robert M. Strebeigh
Bay Area Boaters

Copies: S.F. Bay Conservation & Development Commission
S.F. Bay Regional Water Quality Control Board
Marin County Board of Supervisors
City Councils of Belvedere, Mill Valley, Saualito, Tiburon.
Marin Audubon Society
League of Women Voters of Marin
Pacific Inter-Club Yacht Association



On Board La Jota

Box 582, Sausalito • California 94965

June 26, 1984

S.F. Bay Regional Water Quality Control Board
1111 Jackson Street
Oakland, California

Dear Ladies & Gentlemen:

Enclosed is a copy of a letter from Edward J. Stewart, chief of Marin's environmental health services, and a copy of Bay Area Boaters' reply.

For the reasons stated in that reply to Mr. Stewart, we beg your board to disapprove BCDC adoption of the Richardson Bay Special Area Plan as an amendment to the San Francisco Bay Plan. It will do nothing to improve water quality, nor is it intended to.

Mayor Diament of Alameda has called it and its attendant report on houseboats and liveaboards "another attempt by the BCDC staff to usurp local land-use regulatory powers."

If adopted, it will greatly increase the staff's powers and will be used by it to regulate day-to-day operation of marinas throughout the bay. That was made clear in staff denial of a request from a San Mateo County marina, the staff saying the Richardson Bay plan was nearing completion and the staff did not wish to approve any permits which "might later conflict with the plan when adopted."

The BCDC has done a su perb job of preventing shrinkage of the bay shoreline through excessive filling by developers, the sole task given it by the legislature. Now, its staff proposes to take on added powers that would embroil the commission in lengthy and costly litigation and in bitter and divisive social argument to the detriment of its basic mission.

As Senator Alquist wrote me on June 18th: "To my knowledge, the use of waterborne vehicles as housing for families has not been a serious problem. It would further appear from your remarks that BCDC is entering a thicket it might well avoid."

It was quite shocking, in the circumstances, to hear a member of your staff on June 21st urging the conservation & development commissioners to assume powers and duties which he acknowledged to be more properly those of your board but which, he said, you could not, or would not handle. As he expressed it, your staff, as a result, finds itself in the

uncomfortable position of having to ask the BCDC to fight the RWQCB's fight "while we hold your coat."

Does your board really believe it has such a quarrel with the boating community? We find that very hard to believe despite the fact that your staffer seemed be implying it to be the case.

He also called our boats "the worst polluters of the bay." Unfortunately, nobody asked him what proof he had for that outrageous statement.

If the boating community imagined such a situation to exist it would be foremost among those seeking a remedy.

Sincerely yours,

Robert M. Strebeigh
Bay Area Boaters

(For presentation to Sausalito City Council)

RICHARDSON BAY, a statement of Bay Area Boaters' views.

On BCDC

BCDC's necessary and proper role in the San Francisco Bay Area is the prevention of shrinkage of the bay through unnecessary or improper fill and the overseeing of shoreline develoment to insure water-oriented use and public access.

Beyond that, BCDC has no necessary, meaningful or appropriate regulatory role to play once a waterfront facility has come into being as a result of the permit process in which BCDC has played its proper and limited part.

Houseboats are fill and subject to BCDC approval as such.

Navigable vessels cannot be defined as fill and are in no way subject to BCDC authority.

Anchor-outs that are navigable vessels cannot be defined as fill and are in no way subject to BCDC authority.

Other waterfront concerns that are not now and should not become subject to BCDC regulation are:

1. Water quality control.
2. Operation of waterfront facilities.

On LOCAL GOVERNMENT

The City of Sausalito is charged with certain responsibilities for its waterfront and shoreline development and has the necessary powers to meet those responsibilities. That local control should be defended against any attempt to preempt it, no matter how well-intentioned the attempt.

In the present instance, the city should keep in mind that in a few years the Sausalito Yacht Harbor lease will expire and the SYH will become a municipally owned and operated marina. How will the city feel then, if the present city council has surrendered a measure of control of that marina to BCDC?

The city should ask BCDC not to seek to regulate waterfront facilities, but to limit itself to regulating fill and insuring water-oriented use and public access, a job it has done well.

On PROTECTING RICHARDSON BAY

The County of Marin and the cities of Belvedere, Mill Valley and Tiburon should designate the City of Sausalito as their agent in the regulation of anchorages, harbors and marinas in Richardson Bay.

The county and the three cities should promise Sausalito such "mutual aid assistance" as Sausalito may from time to time request in enforcing regulations.

Sausalito should appoint a harbormaster, responsible to the city council, for enforcement of the regulations and for maintaining

order in the anchorages, harbors and marinas of Richardson Bay. And the city should see that its harbormaster has sufficient staff and equipment for the undertaking.

On HOUSEBOATS

All houseboats on Richardson Bay should be confined to such marinas as provide wastewater and sewage lines to onshore treatment facilities. And they should meet with few, if any, distinctions from the requirements for onshore housing.

On ANCHORAGES

The long-extant Richardson Bay Anchorage should not be altered geographically.

The channels should be clearly marked and policed for keeping clear and for monitoring speed.

Areas west of the main channel should be equipped with moorings, limited to a maximum stay of 72 hours and require a reasonable mooring fee.

Areas east of the channel should be reserved as anchorage for navigable vessels making a more extended stay. Only navigable vessels would be permitted to moor or anchor.

An extended stay would require a permit and be limited to 30 days, with 30-day extensions possible upon application and approval. (Monitoring length of stay would simple if placards in different colors were issued and required to be prominently displayed on the anchored vessels, As each color-cued departure date neared, the visitor would be reminded that his time was about up and that his permit agreement provided for tow-away and impoundment of any overstaying vessel.)

Anchorage and mooring regulations should be clearly posted at entrances to Richardson Bay.

Private owners of submerged land and the city, as owner of submerged land designated as city streets, should negotiate an interim agreement to permit morring in those areas pending develoment of the property. Private owners would receive the mooring fee for mooring on their property.

On NAVIGABLE VESSELS

The city should not attempt to regulate the frequency of use or duration of use of navigable vessels, whether offshore or berthed in marinas.

All navigable vessels in Richardson Bay should be required to have Coast Guard-approved marine sanitation devices, Type I, Type II or Type III, and should not be required to have a direct sewer hookup.

3 of Richardson Bay

On WATER QUALITY

As a tool for sound decision-making, the city should insist on scientifically sound research on water quality in Richardson Bay to determine the kind and degree of contribution to water pollution by:

1. Municipal and special district waste treatment and disposal.
2. Other onshore sources such as parking lots, city streets, pets, wildlife, septic tanks, hillside development, garbage collection and disposal, etc.
3. Houseboats.
4. Navigable vessels.

Additional research should be demanded on what improvement in water quality would result from any proposed method of control of a particular source.

On NO-DISCHARGE ZONE

The city should oppose efforts to declare Richardson Bay a no-discharge zone.

Richardson Bay cities and districts are in the process of upgrading their waste treatment and of moving its discharge into the waters of Raccoon Strait. Till that process has been completed and Richardson Bay has had time to allow resultant cleansing of its waters, it will be almost impossible to separate those onshore sources of pollution from those afloat.

At present, for example, Mill Valley waste enters Richardson Bay as does Sausalito's on the incoming tide. Those massive intrusions have distorted all past study and findings.

Furthermore, it should be recognised that vessels equipped with approved MSDs produce effluent fully as clean, if not cleaner, than these sanitation plants.

Since water quality in Richardson Bay is steadily improving, it cannot hurt to wait before imposing the kind of hardship that will accompany no-discharge zoning.

STATE OF CALIFORNIA
GEORGE DEUKMEJIAN, Governor

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION
1111 JACKSON STREET, ROOM 6040
OAKLAND 94607

Phone: Area Code 415
464-1255

RECEIVED
JUN 28 1984
SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

June 27, 1984

File No. 1170.00(LPK)dmh
1210.10

Mr. Robert Tufts, Chairman
Bay Conservation and Development Commission
30 Van Ness Avenue, Room 2011
San Francisco, CA 94102

Dear Chairman Tufts:

This is written in reference to the Water Quality elements of the Bay Commission's draft Special Area Plan for Richardson Bay. The Regional Board's overall concern for Richardson Bay is the elimination of all controllable waste discharges. Richardson Bay is especially sensitive to waste discharges because of its shallow depth, poor water circulation and flushing, and relatively intense level of public use. The latter includes shoreline recreation, boating, residential use in houseboats and liveaboards, and water contact recreation including windsurfing.

In recognition of this situation, the Regional Board has prohibited all point source discharges to Richardson Bay. Since last October compliance has been achieved. At a cost of over $30 million all domestic wastes that formerly flowed into Richardson Bay are now collected, treated to secondary standards, and discharged to the deep, well-mixed waters of Raccoon Strait adjacent to Tiburon.

Unfortunately much of the benefit of this huge public investment may be compromised for Richardson Bay (and elsewhere) if discharges of raw sewage from houseboats are allowed to remain. For example a single houseboat resident discharging raw sewage puts as many bacteria into the Bay as about 10,000 residents served by a modern sewage treatment plant. In the case of Richardson Bay this comparison is even more striking in that all sewage except that from boats is now exported out of Richardson Bay.

I would note here that probably the most direct beneficiaries of this huge public investment in improved sewage treatment are those who live on the water. One can question the fairness of allowing those who benefit most from pollution control efforts to continue to pollute themselves.

The staff of the Regional Board believes the draft Richardson Bay Plan before you today is a clear step forward towards the goal of cleaning up the Bay. It calls for the connection of houseboats to shoreside sewer systems for all wastes, and requires liveaboard vessels to either hook up their sewage to a shoreside sewer or to use a conveniently situated pumpout.

However, we believe the plan could be made stronger in two respects. The first concerned gray water from liveaboards, for which the present version of the draft plan mandates no specific control measures. Graywater contains soap and detergent residues and is therefore a source of toxicity. At the same time, we recognize that this impact is not of the same importance as discharges of sewage, especially considering the relatively low graywater generation rate from most liveaboards.

Our second area of concern is for sewage discharges from liveaboards. The draft plan requires discharge of such wastes to shoreside sewers, but a continuous connection is not required. Instead the plan also allows the use of pumpout stations where conveniently located. We continue to question whether it is realistic to expect that liveaboard residents will always take the trouble to move their vessels to a pumpout station every time the holding tank is full.

However, even with these reservations, the staff of the Regional Board believe the draft Richardson Bay Special Area Plan would provide for a clear improvement over the present situation and we would support its adoption. In closing I would note that the Regional Board itself has not yet considered the Plan. If the plan is adopted the matter would come before the Board for consideration of the recommended vessel waste discharge prohibition, which the central implementing element of the plan's water quality portion.

Please call on Dr. Larry Kolb of my staff at (415) 464-1307 if questions arise on this matter.

Yours truly,

Roger B. James
Executive Officer

June 27, 1984

RECEIVED
JUN 28 1984
SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

Attn: Margit Hinds
Bay Area Conservation and
Development Commission
30 Van Ness Ave., Room 2011
San Francisco, CA 94102

Dear Miss Hind:

I have been a 14 year resident of the Sausalito Waterfront and am a leaseholder at Waldo Point Harbor.

As I look out my front door I see twenty anchor out structures with attached floats and pilings. Many of them are linked together in such a way as to obstruct tacking space for a sailboat desiring to enter the harbor and to catch rudders on their lines.

Both Kappas and the Strawberry area have sailing channels: Why not Waldo Point?

A five mile an hour speed limit is customary in harbors; yet Waldo Point's speed limit signs were pulled down immediately and their is no enforcement of speed limits.

If Richardson's Bay were made a no discharge area; it might be possible for us to swim off our houseboats.

Thank you,

Manette Radford

Manette Radford
SP E 87 · Waldo Point Harbor
NR/sf

cc: City Planning
County Planning
Board of Supervisors

STATEMENT OF THE STAFF OF THE
STATE LANDS COMMISSION CONCERNING THE
RICHARDSON BAY SPECIAL AREA PLAN

JUNE 28, 1984

Initially, the staff of the State Lands Commission feels that this report goes a long way toward addressing problems that have existed for a number of years. However, we have serious concerns with the section on Residential Vessels and Floating Structures.

We realize that the illegal anchor outs, liveaboards and houseboats have been a long standing problem in Richardson Bay, a problem in which the local jurisdictions, especially Supervisor Al Aramburu, have been struggling to resolve for many years. However, we must emphasize that private residential use of trust lands is not a public trust use. It is not a public trust use because such use is for a purely private purpose that is unrelated to, not dependent upon, and does not further the particular purposes for which tidelands are uniquely suited. Placing long-term private residences in the form of houseboats on tidelands does nothing to stimulate or foster purposes in which there is a statewide public interest such as commercial or recreational harbors, fishing piers and related commercial or recreational facilities. It also does nothing to promote or enhance the waterways for navigation, access, open space, ecological preservation and scientific study. The easement is held in trust specifically to protect and preserve these lands and waterways for appropriate uses associated with the ever expanding public trust needs in these areas.

As you know, all tide and submerged lands in Richardson Bay are subject to the Public Trust Easement. The Public Trust Easement is a sovereign public property right held in trust by the State or its delegated trustee (Marin County, Sausalito, and Mill Valley) for all the people of the State. The State Lands Commission acts as the trustee landowner of all ungranted tide and submerged lands in its capacity as landowner (PRC 6301) which includes the Public Trust Easement over the privately patented tidelands outside of Sausalito. The State Lands Commission has additional oversight responsibility for lands granted to local jurisdiction. It is our responsibility, as trustees over much of the San Francisco Bay area and specifically Richardson Bay, that we ensure that the people's rights in these sovereign trust lands are not diminished by putting them into private residential use.

However, as stated above, we are cognizant of the situation in Richardson Bay. Despite the existing improper use of trust lands, we recognize that some residential uses

have been there for an extended period of time. We would therefore consider the possibility of a limited number of berths being temporarily authorized in existing recreational boat marinas as long as these lands are not presently needed for public trust purposes. Any authorization for this use should include a phase out on a time certain basis so that the marinas would then become open for appropriate public trust purposes.

We do not believe there is justification to accommodate more recent arrivals to the area. The cutoff date of September 30, 1983, proposed as Policy 2 (p.27) is not appropriate. The decision in the Berkeley case which received wide publicity and clearly determined that BTLC lots still subject to tidal action were subject to the Public Trust Easement for the benefit of the statewide public. This decision was issued February 22, 1980. The Waldo Point Small Boat Marina Study completed in the fall of 1980 gave extensively circulated notice of the public's rights relating to unfilled BTLC lots. Public agencies, commenting on the report in 1980 stated at that time that certain newcomers who entered the area within the past three years (1977-1980) had done so with full knowledge of the problems, and should not be permitted to remain. We would propose that February 22, 1980 be the cutoff date for considering equitable claims of existing houseboats for berthing in Richardson Bay..

In Policies Nos. 2 and 3, I would like to change the word "should" to "may" so the authorization does not appear mandatory. Also, in Policy No. 3 it states that "to accommodate anchor outs, a limited number of liveaboards and houseboats should be permitted in the existing and new recreational boat marinas" based on meeting the two listed criteria in (a) and (b). I would like to emphasize that in determining a use that is "necessarily incidental," the State Lands Commission's criteria is very limited--it becomes incidental only when it provides a public benefit. As an example, the liveaboards authorized to discourage vandalism at the Berkeley marina have to be placed in strategic locations, have to be cruising vessels, are charged higher rates than rental berths and are rented on a very limited month-to-month basis. The city also provides environmental safeguards and additional protection of the statewide Public Trust interest in granted lands through the adoption and enforcement of ordinances, resolutions and regulations. Therefore, in determining this type of use, each situation must be given close scrutiny.

In addition, we object to the reference in footnote No. 2 on page 27, referencing to two specific projects--Gates Cooperative and the Galilee Harbor Community Association, and request that it be deleted. We feel it is not appropriate in a general plan to single out and reference specific projects.

We will be following up these remarks with written comments.

MARIN CONSERVATION CORPS
1480 Lincoln Avenue, San Rafael, CA 94901
(415) 454-4554

STATEMENT TO THE BAY CONSERVATION AND DEVELOPMENT COMMISSION
FOR THE JUNE 28 RICHARDSON BAY SPECIAL AREA PLAN HEARING

My name is Gregory Andrew and I am here representing the Marin Conservation Corps.

We commend the Richardson Bay Steering Committee, the entire Commission, and Commission staff in your efforts to prepare this Special Area Plan. We are particularly impressed with the emphasis that has been placed on protecting the Bay's aquatic & wildlife resources and on enhancing its marshes. You have shown a serious concern for the natural resources of Richardson Bay and have done an excellent job to carry out your responsibilities here.

We recommend that specific wording be added to the Plan which calls for continual monitoring of the aquatic and wildlife resources of Richardson Bay. We understand that at the present time, studies are conducted to monitor the populations of birds, seals, herring, and anadromous fishes and the Commission staff has recommended that these studies continue. We feel that emphasis should also be placed on monitoring the shellfish, invertebrates, eelgrass beds, rare plants and marsh flora so as to maintain a full picture of the Bay's natural community.

We support the Richardson Bay Special Area Plan and we will do all that we can to assist in carrying out the Plans goals and objectives. Thank you very much.

LEAGUE OF WOMEN VOTERS OF MARIN COUNTY • 417 D Street • San Rafael, California 94901 • 415 459 0942

June 28, 1984

San Francisco Bay and Development Commission
30 Van Ness Avenue
San Francisco, CA 94102

Re: Richardson Bay Special Area Plan

The League of Women Voters of Marin County has followed the process that resulted in the Richardson Bay Special Area Plan. A committee has reviewed and discussed the work as it has gone forward. We commend all of the people concerned and especially the chairman. We find the plan well written and improved by the extensive research, reviews and revisions that have taken place.

We strongly support the recommendation that the Environmental Protection Agency be asked to declare Richardson Bay a vessel sewage discharge zone. As in our original statement, we believe that this should include prohibition of graywater discharge.

The clarification by the attorney general of the role of the public trust in relation to the boats used for residential or other private purposes is a useful addition.

The Marin County League will be monitoring the future hearings and supporting the adoption by the cities and county. Furthermore, we will be watching with interest the implementation of the Richardson Bay Special Area Plan.

Renee E. Jannes

Renee E. Jannes, President

KENNETH HOWARD 215 SOUTH STREET SAUSALITO, CALIFORNIA 94965

Jan 29. 80

CITY OF SAUSALITO

Dear Mayor Rogers,

I urge the City Council to adopt the Richardson Bay Special Area Plan — I understand the County is already involved in an EIR, so why should we need one?

Among the many issues, it would improve water quality most definitely, an important factor — benefit wildlife habitats, and eliminate anchor-outs, which would improve the bay in many ways, the least British, aesthetics —

When you think of all the wetlands already lost — all the fillings of the bays — and here is Richardson Bay, our beautiful natural resource — its incredibly important to approach anything that has to do with the bay with respect, responsibility to the present & the future, — and with a great deal of thought — years ago, nobody seemed to care — now, they do

Your actions will be remembered

Yours Sincerely

Ken Howard

RECEIVED
JUL 2 1984
CITY OF SAUSALITO

Alice Rogers
Mayor
Sausalito Ca

July 1, 1984

Dear madame,

re: Richardson Bay
Special Area Plan

I'm writing you as Mayor of Sausalito to echo the many comments you have heard by other county long-time residents about the importance of the Richardson Bay plan regarding water quality, wildlife, public access, etc. Specifically that residential vessels must be hooked up to the sanitary facilities in an established marina. Also that no new houseboat marinas will be constructed. I know this will create discomfort for some, but the Bay (Richardson & Aux Haricos) deserves their water qualities restored to a much cleaner level for benefit of fish, other wildlife & plants and [illegible] enjoyment by people.

Thank you for your consideration of this matter important for me and for all children.

Sincerely,
Laura F. Collins (Mrs M.J.)
30 Elma Drive
Fort Bragg, 94901

D. Bonn
201 Cleveland Ct.
Mill Valley, Ca.
94941

July 2, 1984

Bay Conservation + Development Com.
30 Van Ness Ave. Room 2011
San Francisco, Ca. 94102
Attn. Robert Tufts

Dear Chairman Tufts,

As policies are made for the future of Richardson Bay, I would like to stress my concern as a resident that strong, protective policies be implimented to preserve wildlife resources, water quality, public access, and restoration of the marsh area. It is extremely important to save this area while we still have the chance.

RECEIVED
JUL 5 1984
SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

Sincerely,
Lori Bonn

RECEIVED
JUL 2 1984
SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

Mr Robert Crafts
Chair, SCDC
30 Van Ness Ave
San Francisco 94102

July 5, 1984

Re: Richardson Bay
Special Area Plan

Dear Mr Crafts,

Just to put into writing my support for those
phases of the Richardson Bay Plan to improve
& maintain water quality of the Bay. I know
this will cause disruption for some, but it's
essential that residential vessels be hooked up
to the sanitation facilities of marinas. Also
that no new marinas be established here as is
true elsewhere in San Francisco Bay.

Water quality improvement is important for fish,
wildlife, and recreational use of those of us
who live around & deeply enjoy the Bay.

Sincerely,

Laura F Collins (Mrs M J)
36 Alma Drive
San Rafael, Ca 94901

LEAGUE OF WOMEN VOTERS OF MARIN COUNTY • 412 D Street • San Rafael, California 94901 • (415) 459-0292

RECEIVED JUL 1 [illegible]

July 5, 1984

Sausalito Planning Commission
Sausalito City Hall
Sausalito, CA

Re: Richardson Bay Special Area Plan

The League of Women Voters of Marin County has followed the process that resulted in the Richardson Bay Special Area Plan. A committee has reviewed and discussed the work as it has gone forward. We commend all of the people concerned and especially the chairman. We find the plan well written and improved by the extensive research, reviews and revisions that have taken place. The League notes that an EIR seems unnecessary given the wealth of valuable background material provided by a wide spectrum of interested public and private agencies during the two year period of developing the plan.

The League strongly supports the recommendation that the Environmental Protection Agency be asked to declare Richardson Bay a vessel no-sewage discharge zone. We also believe that this should include prohibition of graywater discharge.

The clarification by the attorney general of the role of the public trust in relation to the boats used for residential or other private purposes is a useful addition.

The Marin County League will be monitoring future hearings. We strongly urge the cities and county of Marin to adopt the plan.

Renee E Jannes

Renee E. Jannes
President, LWVMC

cc: Sausalito City Council

MARIN CONSERVATION LEAGUE

A non-profit corporation founded in 1934

1330 Lincoln Avenue, San Rafael, CA 94901
Office telephone: 456-1912

Past and Present

Angel Island
Mt. Tamalpais
Samuel Taylor Park
Bolinas Lagoon/Kent Island
Stinson Beach
Drakes Bay Beach
Tomales Bay
Pt. Reyes National Seashore
Richardson Bay Sanctuary
Corte Madera Tidelands
Strawberry Tidelands
Bothin Marsh
Heerdt Marsh
The Northridge
Rancho Olompali
Marin's Agricultural Lands
Marin's Dairy Farms
Coastal Protection
Golden Gate National Recreation Area
Offshore Oil Drilling
Marin Planning Issues
Wild and Scenic Rivers
S. F. Bay Protection

President
Peter Behr

Executive Director
in Urquhart

Public Education Coordinator
Sallyanne Wilson

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Alan Johnstone
Warren Levinson
Pamela Lloyd
Alex MacMillan
Willa Marten
Wallace McOuat
Ralph Mead
Frank Moncrief
Bill Noble
Carol Peltz
Irv Perlman
Bob Raab
Otto Reutinger
Salem Rice
ter Russell
..nne Marie Shanks
Clifford V. Shireman
Jean Starkweather
Susan Stompe
Gordon Strawbridge
Rosalie Webb
Theodore C. Wellman
Bruce F. Wolfe
Chip Wray

July 6, 1984

RECEIVED
JUL 10 1984
SAN FRANCISCO BAY CONSERVATION & DEVELOPMENT COMMISSION

Bay Conservation & Development Commission
30 Van Ness Avenue
San Francisco, CA 94102

Dear Commissioners,

Richardson Bay is a priceless natural resource which affects those who live and work around it, and on it, and also those who pass by it.

The quality of its water, and uses of the bay, affect the quality of life of people on the land around it, and conversely, development around the bay affects the working of its natural system.

Good water quality is absolutely essential for maintaining Richardson Bay as important wildlife habitat, and for maximum public enjoyment, and we strongly support policies which lead to development of inexpensive and conveniently-located pump out facilities for boats, as well as provision of sewage hook-ups for all houseboats. We support the designation of Richardson Bay as a no-discharge zone.

The Richardson Bay Special Area Plan is a very reasonable plan. We urge that its findings, policies and maps be adopted, and that steps be taken to form a local Richardson Bay agency or district to implement the plan.

Sincerely,

Peter Behr

Peter Behr
President

/ac:js

RECEIVED
JUL 11 1984
SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

BOOTH ARCHITECT INDUSTRIAL CENTER BUILDING SAUSALITO CALIFORNIA 94965 332-6435

July 9, 1984

Save San Francisco Bay Association
POB 925
Berkeley, Ca. 94701

Re: Richardson Bay
Special Area Plan

Dear SSFBA,

Your June 25th memo received and contents noted.

Noted with some dismay.

The tenor of the memo seems to be a rubber stamping and acceptance of the BCDC staff report, with no mention of the furor and anger it has created at the hearings so far.

The BCDC staff report, if accepted and implemented, would completely change the character and use of much of Sausalito's waterfront, making it slick and sanitary instead of vibrant and human. Is this "saving the Bay?". As with the Vietnamese village - do we have to destroy it to save it? Possibly 500 flesh and blood human beings could be wrenched from their environment by being dislocated, separated from their work, or made homeless. This is one of the last vestiges of low income housing in Marin.

There are ways, other than the ill-advised BCDC advised ones, to solve the problems, if, indeed, the problems are even there, and not created to perpetuate the BCDC bureaucracy. If there are problems, they can and should be solved locally. The RBSAP can be a good planning tool, but only if it recognizes the human element along the waterfront.

I hope the Save San Francisco Bay Association takes a close look at the BCDC staff report, and reconsiders its apparent endorsement of it.

Sincerely,

Wm. Booth

Copies to-
Bay Area Boaters, BCDC.
Mayor Alice Rogers, Supervisor Al Aramburu

SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

July 10, 1984

San Francisco Bay Conservation
and Development Commission
30 Van Ness Avenue
San Francisco ,CA. 94102

Dear Commissioners:

According to your notice calling a special commission meeting on June 28, 1984 you stated in that notice that after the public hearing is closed, only written comments received on or before July 13, 1984 will be accepted.

We request that you extend the deadline for written response to the Richardson's Bay Special Area Plan due to the fact the Sausalito Planning Commission has continued all hearings concerning the Special Area Plan and its' Environmental Impact Report until September 12, 1984.

Thank-you,

Allison Thompson

H W Smith

Gail Spaien

Jane Koestel

Geraldine Dooley

Judith Ba

MARIPOSA HUNTERS PT. YACHT CLUB
FLOATING REALTORS YACHT CLUB
BRIDGE MARINA YACHT CLUB
LOCH LOMOND YACHT CLUB
PORT SONOMA YACHT CLUB
COYOTE POINT YACHT CLUB
OYSTER POINT YACHT CLUB
DELTA MARINA YACHT CLUB
NORTH POINT YACHT CLUB
BALLENA BAY YACHT CLUB
FORT SUTTER YACHT CLUB
SAN JOAQUIN YACHT CLUB
SEA BREEZE YACHT CLUB
SAN RAFAEL YACHT CLUB
CORINTHIAN YACHT CLUB
STOCKTON SAILING CLUB
SAN MATEO YACHT CLUB
RIVER VIEW YACHT CLUB
PENINSULA YACHT CLUB
SPINDRIFT YACHT CLUB
MARIN YACHT CLUB
DELTA YACHT CLUB

METROPOLITAN YACHT CLUB
ANDREAS COVE YACHT CLUB
LITTLE VENICE YACHT CLUB
MARINA WEST YACHT CLUB
SPORTSMEN YACHT CLUB
NORTH BAY YACHT CLUB
SOUTH BAY YACHT CLUB
PITTSBURG YACHT CLUB
INVERNESS YACHT CLUB
RICHMOND YACHT CLUB
BERKELEY YACHT CLUB
MARTINEZ YACHT CLUB
PRESIDIO YACHT CLUB
SEQUOIA YACHT CLUB
AEOLIAN YACHT CLUB
DIABLO SAILING CLUB
OXBOW YACHT CLUB

ORGANIZED 1896

POINT SAN PABLO YACHT CLUB
BEL MARIN KEYS YACHT CLUB
HALF MOON BAY YACHT CLUB
ISLAM SHRINE YACHT CLUB
WEBER POINT YACHT CLUB
TOWER PARK YACHT CLUB
SANTA CRUZ YACHT CLUB
ST. FRANCIS YACHT CLUB
STOCKTON YACHT CLUB
SAUSALITO YACHT CLUB
PALO ALTO YACHT CLUB
OAKLAND YACHT CLUB
DOS RIOS YACHT CLUB
VALLEJO YACHT CLUB
HARBOR YACHT CLUB
SOLANO YACHT CLUB
ISLAND SAILING CLUB

THE SAN FRANCISCO YACHT CLUB
RICHARDSON BAY YACHT CLUB
AAHMES SHRINE YACHT CLUB
CRUISER HAVEN YACHT CLUB
DISCOVERY BAY YACHT CLUB
GOLDEN GATE YACHT CLUB
CALIENTE ISLE YACHT CLUB
SACRAMENTO YACHT CLUB
SAUSALITO CRUISING CLUB
SAN LEANDRO YACHT CLUB
MOKELUMNE YACHT CLUB
LOS GATOS YACHT CLUB
SPINNAKER YACHT CLUB
SAN JOSE SAILING CLUB
PETALUMA YACHT CLUB
TIBURON YACHT CLUB
ENCINAL YACHT CLUB
BAY VIEW BOAT CLUB
BENICIA YACHT CLUB
ISLAND YACHT CLUB
DIABLO YACHT CLUB

Pacific INTER CLUB Yacht Association

SAN FRANCISCO, CALIFORNIA

SPECIAL AREA REGIONAL AFFAIRS COMM.

July 11, 1984

RECEIVED
JUL 13 1984
SAN FRANCISCO BAY CONSERVATION & DEVELOPMENT COMMISSION

San Francisco Bay Conservation
and Development Commission
30 Van Ness Ave.
San Francisco, CA 94102

Mr. Chairman and Commission Members:

Enclosed is the full text of my comments given at the Richardson Bay SAP hearing on June 28, 1984. You will note that the text is extensively referenced; I have provided your staff with copies of the references which may be inconvenient to obtain.

Sincerely,

Robert S. Olson

COMMENTS ON RICHARDSON BAY SAP, WATER QUALITY SECTION

by R. S. OLSON for PICYA

INTRODUCTION

In this submission, errors of commission or omission in the Water Quality Section of the Richardson Bay SAP will be documented. We trust that these errors will be corrected. They are almost entirely in the text or findings. The findings are of special concern because of their quasi-legal standing in possible future actions. PICYA will oppose the proposed future establishment of a "no discharge zone" and any attempt to restrict the discharge of vessel "graywater". This policy prompts these comments.

A copy of the section in error will be copied with the questionable part underlined. Our comments will follow. Each item will be indexed.

PAGE 10, ¶2, LINE 2.

and the values and uses of the water severely impaired. Improperly treated sewage discharged into the waters can carry coliform bacteria and biological oxygen demanding substances. Coliform bacteria can transmit diseases to humans that ingest the water or can contaminate shellfish that, when eaten, can cause human illness. Biological oxygen demanding substances deplete

Comment. Coliform Bacteria do not transmit diseases in the marine environment. This statement is of concern to recreational boaters because graywater from washing the body contains small amounts of coliform bacteria which are present in the normal skin flora of man(1). It is also of concern to proponents of wildlife habitat in and near the bay waters because coliform bacteria are present in very high concentration in the feces of wildlife and waterfowl(2).

There are disease-causing coliform bacteria, the entropathogenic E. coli (EEC). However, Kornacki and Marth(3) in their extensive review of illness caused by E.coli do not report any cases from shellfish consumption or from ingestion of marine waters. They further note that large numbers of EEC, 10^6 to 10^9, are necessary for diarrhea. To get this much would require the ingestion of 250 to 2,500 gallons of water contaminated at the 10,000 MPN/100 ml level, about the highest observed in the Richardson Bay waters in the 1981 RWQCB survey. Considering shellfish , it is known that shellfish concentrate coliform by a factor of about 10(4). To get a dose of 10^6 from 100 grams (about $\frac{1}{4}$ lb.) of shellfish would require coliform at the 100,000/100 ml level in the water.

These levels are so unlikely that the risk of disease from these causes is vanishingly small.

It is recommended that line 2 be changed to read "Improperly treated sewage discharged into the the waters can carry disease causing-bacteria...". And that the sentence starting "Coliform bacteria ..." be deleted.

PAGE 10, ¶4.

The major pollution sources in Richardson Bay have been: (1) treated municipal wastewater; (2) wet weather overflows from municipal treatment plants; (3) untreated wastewater from unsewered houseboats and live-aboards; (4) urban water runoff; (5) sedimentation and erosion; and (6) dredging and dredged material disposal.

Comment. To accurately reflect the pollution sources, it is recommended that " wildlife and waterfowl feces" be added to the enumeration of major pollution sources as the 4th in the list.

The wildlife and large waterfowl population numbering in the region of 200,000(6) represents a bacterial pollution source equivalent to an unsewered human population of 300,000 to 500,000 based on known fecal coliform loads of waterfowl and seaguls(2,5). This is too large to be ignored.

PAGE 10, FINDING 1.

1. **There are 11 categories of beneficial uses of Richardson Bay water established by the State Water Resources Control Board and the San Francisco Bay Regional Water Quality Control Board. Three of these uses — human water contact recreation, non-contact water recreation, and shellfishing harvesting — have been identified by the Boards as "key beneficial uses" to be protected in Richardson Bay.**

Comment. This finding is incomplete in that it does not consider the most recent RWQCB actions, namely Resolution No. 78-8 calling for a study of the feasibility of opening shellfish beds for direct recreational use(7) and the results of that study which require a sanitary survey to establish the sanitary quality of the shellfish beds and selection of an agency to undertake the management activity, costs and possible liability(8).

It is recommended that the following phrase be added to the last sentence in the finding; ", provided that a sanitary survey establishes the sanitary quality of the shellfish beds and that a management agency can be found.".

PAGE 11, FINDING 3.

3. The water quality of Richardson Bay affects its attractiveness and recreational value. Two critical pollutant measures of whether or not the water is safe for human recreation are the coliform bacteria standards for human water contact recreation and for shellfish harvesting. The levels of coliform bacteria, representing mainly the release of untreated sewage and graywater, decreased dramatically during the period 1962 to 1973; however, during the period 1973 to 1981, levels of coliform bacteria in Richardson Bay increased in some areas around certain recreational boating and houseboat marinas that lacked sanitary sewer service to houseboats and residential vessels.

Comment. Investigation has shown that the 1973 study cannot be compared to the 1981 study because of the very poor precision of the 1973 data. Dr. B. R. Tamplin, Chief, Sanitation & Radiation Laboratory Section, State Dept. of Health Services where the 1973 samples were analysed states(9),"I have reviewed the Regional Water Quality Control Board's 1973 report entitled,'Coliform Survey of San Francisco Bay Marinas', as you requested. ... From the reported coliform organism densities I can tell you they were derived from multiple tube fermentation (MTF) tests using two tubes at each of at least three decimal dilutions of the sample. ... Dilution patterns such as 2/2/2 are no longer used in this laboratory for several reasons, the most important being the lack of precision. ... The 2/2/2 series was often used by our Sanitary Engineering staff in quick and dirty surveys to get a handle on the expected ranges of coliform density in a particular stream or body of water. These would then be followed by more intensive sampling using five tube series to establish reliable data upon which to make decisions."

The five tube method which was used in the 1981 study is the method recommended by most authorities(10) including the RWQCB(11). The 1981 data is from five water samples taken over a 30 day period, the minimum acceptable in the determination of water quality(11). The 1973 data is from sampling on a single day. The mean of two to four samples taken on the same day was compared with the meam of the five days samples of the 1981 study, a statistically unaccept-

able practice, see Exhibit I.

The two tube method has an uncertainty at the 95% confidence level of a factor of 4.7; thus, a MPN value of 100 will, at the 95% CL, be somewhere between 21 and 471. The only way that data of this type can be compared is by statistical methods. A method derived from Cochran(12) has been used to compare the 1973 data with the 1981 data. If the only source of variance is due to the analytical uncertainty it can be shown, Exhibit II, that the ratio of the 1981 MPN to that of the 1973 MPN must be greater than 4.4 to conclude that the 1981 pollution is greater than the 1973 at the 95% confidence level. Only one point out of the eighteen tabulated in Exhibit I allows this conclusion. If the sampling variance and the questionable averaging of the 1973 data is considered even this one point would be doubtful.

It is recommended that any comparison of the 1973 study with the 1981 study be eliminated, i.e. the section underlined above. This leaves the finding rather meaningless. Refering to the 1981 study as tabulated by a RWQCB report(13), the following statement would be correct:
The 1981 Richardson Bay marina sampling results shows that water contact standards are met in all marinas except the Napa Street Pier where unsewered houseboats were moored and at Waldo Pt./Yellow Ferry where the large number of unsewered houseboats are probably responsible for the pollution and at Kappas Small Boat Marina which is also attributed to Waldo Pt. Shellfish harvesting standards are not met in any marina. The Napa Street Pier is being abated as are the unsewered Waldo Pt. houseboats.

PAGE 13, FINDING 14.

14. **Pursuant to the federal Clean Water Act, the Regional Water Quality Control Board may prepare a petition to be approved and transmitted from the State Water Resources Control Board to the federal Environmental Protection Agency (EPA) requesting the EPA to designate Richardson Bay as a vessel sewage no discharge area. If Richardson Bay is established as a no discharge area, sewage and graywater discharge may be regulated by the state, and enforced at the local level. However, it is not clear whether such prohibition could legally include a requirement of houseboat and live-aboard sewer hookups. Absent establishment of a no discharge area, it appears that the enforcement of sewage discharge from vessels is the responsibility of the Coast Guard.**

Comment. The words "and graywater" should be deleted. Establishment of a no discharge zone under EPA has no effect on graywater. Also State law prohibits regulation of vessel graywater discharge by state or regional boards(14).

PAGE 14, FINDING 16.

> **the two existing shoreline pumpout facilities. While some houseboats and live-aboards may have U. S. Coast Guard approved (MSDs), others do not. Some have installed alternative sewage disposal systems that presently would be unacceptable to the Regional Water Quality Control Board or the Marin County Department of Environmental Health.**

The word "houseboats" should be added after "Some". The sentence as written implies that some liveaboards have installed " alternative systems". We know of no information indicating that liveaboards, as defined by the report have installed such systems, if so a report to the Coast Guard will bring enforcement action(15).

PAGE 15, POLICY 7.

> 7. **Marinas and yacht harbors should install sewage and graywater pumpout facilities available for public use in easily accessable locations and provide the service free of charge or at a reasonable fee to offset maintenance costs. Marinas and yacht harbors with vessels used as residences should provide on land conveniently located restrooms, showers, parking, and garbage disposal facilities adequate to serve authorized resident live-aboard occupants.**

Comment. In order to minimize the possibility of pollution, PICYA recommends that all marinas should provide restrooms as a routine matter. RWQCB Resolution No. 70-1(16)urges BCDC to require adequate restroom facilities. It is recommended that this policy be changed to reflect this requirement.

EXHIBIT I

1973 vs 1981 TOTAL AND FECAL COLIFORM RESULTS IN RICHARDSON BAY
(ALL VALUES IN MPN/100 ML)

	Total Coliform Bacteria			Fecal Coliform Bacteria		
Station	July 1973(1)	Sept. 1981(2)	1981(a)/1973	July 1973(1)	Sept. 1981(2)	1981(a)/1973
1	6	196	32	4.5	83	18
2	23	101	4.4	23	14	0.3
3	130	242	1.9	12	54	4.5
4	23	52	2.3	6	10	1.7
5	62	585	9.4	23	31	1.3
6	-	24	-	-	11	-
7	-	41	-	-	11	-
8	-	1,348	-	-	69	-
9	28	172	6.1	24	59	2.4
10	126	56	0.44	5	29	5.8
11	62	100	1.6	23	23	1.0
12	62	54	0.87	4.6	17	3.7
13	146	153	1.0	23	54	2.3
14	62	114	1.8	23	63	2.7
15	126	624	4.9	126	155	1.1
16	500	309	0.62	500	223	0.45
17	765	826	0.36	765	272	
18	2,400	1,133	0.47	2,400	328	0.14
19	7,000	829	0.12	62	266	4.3
20	130	300	2.3	62	103	1.7
21	-	198	-	-	38	-
22	-	265	-	-	24	-
23	-	97	-	-	54	-
24	62	84	1.4	62	25	0.40
A	62	9		62	4	
B	-	20		-	4	
C	13	22		6	8	
D	23	22		23	13	

(1) 1973 results are single samples or log mean of 2 to 4 samples.
(2) 1981 results are log mean of 5 samples.
(a) 1981/1973 ratio added by RSO

Source: Vessel Waste Discharge Survey, page 47

Copied with additions from "Water Quality Issues in Richardson Bay", BCDC Staff Sept., 1983, p 20.

EXHIBIT II

MPN SIGNIFICANCE TEST

Cochran (1) gives for the standard error of the determination of bacterial density, d, by the dilution method (MPN), where the dilution ratio is 10,

$$s_{\log d} = 0.58/n^{\frac{1}{2}} \qquad (1)$$

where n is the number of tubes per dilution. To "test the significence of the difference between two estimated densities" he recommends an equation which reduces to the following when the dilution ratio is 10,

$$t = \frac{\log d_1 - \log d_2}{0.58(1/n_1 + 1/n_2)^{\frac{1}{2}}} \qquad (2)$$

Take d_1 as the result of a 2 tube decimal dilution test and d_2 as the result of a 5 tube decimal dilution test. Assume that there is no sample varience, i.e. all samples are identical, and that the only variance is that due to the analytical method as given above. This is the most liberal estimate of significence. For this case then where n_1 is determined by two water samples and n_2 by five samples, $n_1 = 4$ (2 tubes, 2 samples) and $n_2 = 25$ (5 tubes, 5 samples). Equation 2 becomes

$$t = 3.20 \log d_1/d_2 \qquad (3)$$

The degree of freedom is given by $\nu = n_1 + n_2 - 2 = 27$. The value of t for the 95% confidence level ($a = 0.05$) is $t_{(0.05,\ 27)} = 2.05$ (2)

Combining this t value with Equation 3 gives, for the 95% confidence level

$$3.20 \log d_1/d_2 > 2.05$$

Thus for the diference between d_1 and d_2 to be significant the requiremant is that d_1/d_2 or $d_2/d_1 > 4.37$.

(1) Cochran, W.G., "Estimation of Bacterial Densities by Means of the 'Most Probable Number'" Biometrics, 6, 105(1950).

(2) Bennett, C. A. and Franklin, N.L., "Stastical Analysis in Chemistry and the Chemical Industry", p 696, John Wiley, New York, 1954

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1. Siegrist, R., et. al., "Characteristics of Rural Household Wastewater", Jr. Environ. Eng. Div., 120, 533-548, 1976.

2. Geldreich, E.E. and Kenner, B.A., "Concepts of Fecal Streptocci in Stream Pollution", J. Water Pollut. Control Fed., 41, R336-352(1969).

3. Kornacki, J.L. and Marth, E.H., "Foodborne Illness Caused by Escherichia Coli; a Review", J. Food Prot., 45, 1051-1067(1982).

4. Plusquelliec, A., et.al., "Enumeration of the Bacterial Contamination of Bivalves in Monitoring Marine bacterial Pollution", Mar. Pollut. Bull., 14, 260-263(1983).

5. Gould, D,J. and Fletcher, M.R., "Gull Droppings and Their Effects on Water Quality", Wat. Res., 12, 665-672(1978).

6. Huning, Beth, ltr. to BCDC from National Audubon Society, March 28, 1984.

7. San Francisco Bay Regional Water Quality Control Board, "Water Quality Control Plan, San Francisco Bay Region", Report July 21. 1982, p 5-8.

8. Jarvis, F.E., et.al.,"Summary Report, San Francisco Bay Shellfish Program Studies 1779-1982", San Francisco Regional Water Quality Control Board Report, January 1983.

9. Tamplin, B.R., ltr. to R. S. Olson, June 29, 1984.

10. "Standard Methods for the Examination of Water and Wastewater", 15th Ed., American Public HealthAssociation, New York(1980).

11. SFBRWQCB, Op. cit., p 3-4.

12. Cochran, W.G., "Estimation of Bacterial Densities by Means of the 'Most Probable Number'", Biometrics, 6, 105-116(1950).

13. Ramjahn, T.G. and Wrisley, G.T., "Vessel Waste Discharge Survey", Rept., San Francisco Regional Water Quality Control Board, August 1982.

14. State Harbors and Navigation Code, §782.

14. Peebles, Capt. J.A., Ltr U.S. Coast Guard, Washington, D.C. to Alan F. Pendeleton, BCDC, March 30, 1984.

15 SFBRWQCB, Op. cit., p 5-6.

Peter Nardini
3805 Thrush Way
Santa Clara, CA 95051
July 11, 1984

RECEIVED
JUL 13 1984
SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

San Francisco Bay Conservation
and Development Commission
30 Van Ness Avenue
San Francisco, CA 94102

Re: Richardson Bay Special Area Plan
Creation of a " No Discharge Zone"

I made a presentation before the Commission last May 28, 1984. Understandably, the Chairman reduced the time allotted for presentation to three minutes. This was disconforting.

As I stated, I am a Sanitarian registered in the State of California and I practice in the area of environmental health.

Water quality has been made a major issue in the Richardson Bay Plan. As a concerned citizen and as a concerned practitioner, I must speak against the creation of a "no discharged zone" based upon the data present by your staff.

Regulations and restriction imposed by government must have sound bases for their implimentation and enforcement. Using the data and criteria presented by the staff has the risk of being "arbitrary and capricious".

I am familiar with other areas that have created "no discharge zones". They were established because sound scientific data indicated that such action was warranted.

The use of the "Shellfish Program Studies" as a criteria for your action in the Richardson Bay has flaws. Shellfish are POTENT concentrator bacterial pollutants, as their meat and juices can exhibit ten(10) to 200 times more bacterial content than the water in which they habitate. Because of the natural environment, wild animals, birds and drainage, it is conceivable that shellfish will never meet the standards required to be available for harvesting. To use this criteria to establishing further restriction upon the boaters is not justifiable and it should be disallowed.

A Vessel Waste Discharge Survey - Table comparing total and fecal coliform result 1973 vs 1981, is presented as part of the staff's evidence for action. The tests and procedures utilized were ONLY presumptive. To utilize these results for your conclusions would contrary to sound data interpretation. The State Department of Health Services have established bacterialogical standards for ocean water-contact sports. If one were to use the information presented in ths table, it would appear the the waters around the surveyed area complies with these standards, thereby these waters be availble for swimming and other water-contact sports.

One last comment, in the practice of public health, a practioner can not separate man's untreated or treated waste from the wastes that are contributed by other animals, birds or the environment's other factors. They all have public health signifcants and must be considered in the finale analysis.

Whatever action the commission undertakes, must have proper scientic basis. To do otherwise will produce a decrese in confidence and creditablity of the agency.

Thank you.

Peter Nardini

Philip Williams & Associates
Consultants in Hydrology

Pier 33 North, The Embarcadero
San Francisco, CA 94111
Phone: (415) 981-8363

11 July 1984

RECEIVED
JUL 13 1984
MARIN COUNTY
PLANNING COMMISSION

Carol Williams
Marin County Plannint Dept.
Civic Center
San Rafael, CA 94903

Dear Ms. Williams:

As you requested, I have reviewed the correspondence you sent me concerning dredging of the Salt Works Canal and Strawberry Lagoon. I have the following comments:

1. The recommendation to designate the Salt Works Canal and Strawberry Lagoon as a navigation channel was not at all intended to preclude maintenance dredging organized and paid for by a local assessment district.

2. Maintenance dredging of either this channel or the Saucelito Canal was not recommended as a priority, primarily because of the high cost and the limited number of boats using the channel. I estimated the annual maintenance dredging requirement for a 50-ft wide Strawberry Lagoon channel to be roughly 14,000 cubic yards per year (p. 55 of "Sediment Hydraulics of Richardson Bay"). Even assuming that this could be done for $5 per cubic yard, the average cost would be $70,000 a year.

3. If the channel is not dredged, it will ultimately silt up until it reaches an equilibrium with tidal scouring, probably at about the same depth as now occurs in the Salt Works Canal. This would still allow boats to use the channel for much of the time, but precludes navigation of deep er draught boats at low tide. Because navigation would continue it is important to designate and mark a navigation channel.

4. I believe that Mr. Dorsey's suggestion of timing a maintenance dredging of the channel to coincide with the cut through Strawberry spit is an excellent one. This could significantly reduce the cost of the first maintenance dredging cycle.

I hope these comments are useful.

Yours sincerely,

Philip B. Williams, Ph.D., P.E.

cc: Jeff Blanchfield, BCDC

JUDITH BANG

RECEIVED
JUL 12 1984
SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

July 12, 1984

B.C.D.C.
30 Van Ness Avenue
San Francisco, CA 94102

Re: Richardson's Bay Special Area Plan

Commissioners:

In regards the need of both state agencies and local constituencies to legislate and regulate San Francisco Bay as a whole and Richardson Bay in particular, in an appropriate manner, so as to reflect laws and guidelines, which are consistent with already existing Federal law; I, Judith Bang, a United States citizen, as well as one of the individual parties that would be immediately effected by the proposed policies of the Richardson's Bay Special Area Plan am asking the following of the B.C.D.C. commissioners:

1. That they request that an appropriate addendum be attached to each of the specially designated water use maps on pages 39, 41, 43, 45, 47, so as to designate the applicable federally existing anchorages, as defined in Title 33 of the Code of Federal Regulations.[1]

2. That they note that I, Judith Bang, want these three, legally, existing, federally, designated anchorages, or at least that portion of these three, existing, federally, designated anchorages, which consist of navigable waters above submerged lands, which are never exposed at any tide, to continue to be maintained, administered and policed by the local Federal agencies (Coast Guard and Army Corp. of Engineers).

Sincerely,

Judith Bang

Judith Bang
Marina Plaza Harbor
Special Federal Anchorage
Richardson's Bay

JB/sw

cc: Captain of the Port, U.S. Coast Guard
District Engineer, Army Corp of Engineers
Cities of Sausalito, Tiburon, Mill Valley, Belvedere
County of Marin

encl.

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1. Special Federal Anchorage No. 110.126a Page 312
General Anchorage No. 110.224 Page 369
Naval Anchorage No. 110.224 Page 371

the shore of the Naval Air Station, Alameda, at latitude 37°46'57", longitude 122°19'52.5".

(ii)(*a*) No vessel anchored in this anchorage may project into the San Francisco Bay South Channel.

(7) *Anchorage No. 9, General Anchorage.* (i) In San Francisco Bay bounded on the north by the shore, the breakwater and turning basin at the Alameda Naval Air Station and a line beginning at the Alameda Naval Air Station Channel Lighted Buoy 6 at latitude 37°46'23", longitude 122°19'02"; thence west to the Alameda Naval Air Station Channel Entrance Lighted Buoy 2 at latitude 37°46'27", longitude 122°20'24.5"; thence west southwesterly to latitude 37°46'08", longitude 122°21'45"; thence south southeasterly to San Bruno Shoal Channel Light 1 at latitude 37°41'44", longitude 122°20'17.5"; thence south southeast to San Bruno Shoal Channel Light 5 at latitude 37°38'37", longitude 122°18'43"; thence southeast to latitude 37°36'05", longitude 122°14'13.5"; thence east northeast to the shore at latitude 37°37'38.5", longitude 122°09'02"; and bounded on the east by the shore; including all of San Leandro Bay excluding the pipeline areas therein. When Explosives Anchorage No. 12 is activated by the Captain of the Port, this anchorage and the forbidden anchorage zone surrounding it are excluded from Anchorage No. 9, General Anchorage.

(ii) Special regulations: (*a*) Light draft vessels shall anchor away from the deeper portions of this anchorage in accordance with paragraph (g)(7) of this section.

(*b*) No vessel anchored in this anchorage may project into the San Francisco Bay South Channel or into San Bruno Shoal Channel.

(8) *Anchorage No. 10, Naval Anchorage.* (i) In San Francisco Bay bounded by the easterly shore of Sausalito and the following lines: Beginning on the shore of Sausalito at latitude 37°51'20", longitude 122°28'38"; thence southeast to latitude 37°50'57.5", longitude 122°27'57"; thence southwest to the shore of Sausalito at latitude 37°50'36", longitude 122°28'34".

(ii) Special regulation: This anchorage is for the use of public vessels of the United States, but may be used by yachts when not required for use by public vessels. All yachts making use of this anchorage shall be prepared to move immediately upon notice should the anchorage be required for public vessels. With the permission of the Captain of the Port, permanent yacht moorings may be placed within this anchorage, not more than 300 yards from the shore.

(9) *Anchorage No. 12, Explosives Anchorage.* (i) In San Francisco Bay east of the city of San Francisco a circular area having a radius of 500 yards centered at latitude 37°44'32.5", longitude 122°20'27.5".

(ii) Special regulations: (*a*) No vessel may use this anchorage except the vessel that is loaded with, loading, or unloading explosives and lighters and barges lying alongside that vessel for transfer of cargo.

(*b*) This anchorage and the surrounding forbidden anchorage zone are temporarily activated as needed, by the Captain of the Port. When this anchorage is not activated it is part of Anchorage No. 9, General Anchorage. Notification of activation and deactivation will be disseminated by the U.S. Coast Guard in "Local Notice to Mariners," and by direct notice to the various pilot and shipping organizations.

(*c*) The maximum total quantity of explosives that may be on board a vessel moored in this anchorage shall be limited to 3,000 tons.

(*d*) The 667-yard-wide area surrounding this anchorage is a forbidden anchorage zone. No vessel may anchor in this forbidden zone while this anchorage is activated.

(10) *Anchorage No. 13, Explosives Anchorage (Temporary General).* (i) In San Francisco Bay east of the Tiburon Peninsula a circular area having a radius of 333 yards centered at latitude 37°55'26", longitude 122°27'27".

(ii) Special regulations: (*a*) No vessel may use this anchorage except the vessel that is loaded with, loading, or unloading explosives and lighters and barges lying alongside that vessel for transfer of cargo.

(*b*) The maximum total quantity of explosives that may be on board a vessel moored in this anchorage shall be limited to 50 tons; except that, with

§ 110.218 Pacific Ocean at San Clemente Island, Calif.; in vicinity of Wilson Cove.

(a) *The anchorage grounds.* Shoreward of a line beginning at a point on the beach bearing 153° true, 1,400 yards, from the flashing green light on the southeast headland at Wilson Cove; thence 62° true, 0.67 nautical mile; thence 332° true, 1.63 nautical miles; thence 241°31' true to the shore line.

(b) *The regulations.* (1) This area is reserved exclusively for anchorage of United States Government vessels or vessels temporarily operating under Government direction, and no vessel, except in an emergency, shall anchor in the area without first obtaining permission from the Commandant, Eleventh Naval District, or the Senior Naval Officer present who shall in turn notify the Commandant promptly.

(2) No vessel shall anchor in such a manner as to unreasonably obstruct the approach to the wharf.

§ 110.220 Pacific Ocean at San Nicolas Island, Calif.; restricted anchorage areas.

(a) *The restricted areas*—(1) *East area.* All waters within a circle having a radius of one nautical mile centered at latitude 33°13'45", longitude 119°25'50" (the former position of San Nicolas Island East End Light), which point bears approximately 101°, 420 yards, from San Nicolas Island East End Light.

(2) *West area.* Shoreward of a line bearing 276° true from San Nicolas Island south side light a distance of six nautical miles; thence to a point bearing 270° true, two nautical miles, from the westernmost point of the island; thence 60° to a point due north of the northernmost point of the island; thence 180° true to the shore.

(b) *The regulations.* Except in an emergency, no vessel shall anchor in these restricted areas without authority of the Commandant, Eleventh Naval District. Cargo vessels destined for San Nicolas Island may anchor in the east area for unloading or loading.

§ 110.222 Pacific Ocean at Santa Barbara Island, Calif.

(a) *The anchorage grounds.* Shoreward of a line beginning at the Santa Barbara Island Light on the northeast end of the island and bearing 23° true a distance of 1.515 nautical miles seaward from the beach; thence 140°30' true, 2.54 nautical miles; thence 212°30' true, 2.30 nautical miles; thence 296°30' true, 0.96 nautical mile; and thence 325° true to the beach.

(b) *The regulations.* The anchorage shall be available for anchorage of all types of craft. Temporary floats or buoys for marking anchors in place will be permitted in this area.

§ 110.224 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, Calif.

(a) *San Francisco Bay Anchorage Grounds*—(1) *Anchorage No. 3, General Anchorage.* That portion of Belvedere Cove bounded by the shore and line beginning at latitude 37°52'20", longitude 122°27'02"; thence southwest to latitude 37°51'43" and longitude 122°27'25".

(2) *Anchorage No. 4, General Anchorage.* (i) Bounded by the westerly shore of San Francisco North Bay and the following lines. Beginning on the shore southwest of Point San Quentin at latitude 37°56'28", longitude 122°28'54"; thence east-southeasterly to latitude 37°55'55", longitude 122°26'49"; thence southwesterly to latitude 37°54'13", longitude 122°27'24", thence southeast to the shore of Tiburon Peninsula at Point Chauncey at latitude 37°53'40.5", longitude 122°26'55", including Explosives Anchorage 13 and the forbidden anchorage surrounding it. For special regulations concerning the utilization of Explosives Anchorage 13 as a temporary general anchorage refer to subdivisions 110.224(a)(10) (iv) and (v).

(ii) Special regulation: No vessel anchored in this anchorage may project into the San Francisco Bay North Channel.

(3) *Anchorage No. 5, General Anchorage.* (i) In San Francisco Bay beginning on the northwest shore of Red

County wharf, the shoreline, a line drawn from the southernmost point of Fossil Point to latitude 35°10'18.5" N., longitude 120°43'38.5" W.; thence to the southeast corner of the San Luis Obispo County wharf.

(b) *Area A-2.* Area A-2 is the water area enclosed by a line drawn from the outer end of Whaler Island breakwater at latitude 35°09'22" N., longitude 120°44'56" W., to the Marre Chimney at latitude 35°10'56" N., longitude 120°44'31" W.

NOTE: The Port San Luis Harbor District prescribes local regulations for mooring and boating activities in these areas.

(Sec. 6(g)(1)(B), 80 Stat. 937; 49 U.S.C. 1655(g)(1)(B), 49 CFR 1.46(c)(2))

[CGD 72-24R, 38 FR 1928, Jan. 19, 1973]

§ 110.125 Morro Bay Harbor, Calif.

(a) *Area A-1.* Opposite the City of Morro Bay, beginning 50 feet west of the intersection of the west channel line and the prolongation of the center line of Seventh Street; thence in a generally southeasterly direction and parallel to the channel line for a distance of 450 yards; thence 166° and parallel to the revetment for a distance of 1,025 yards; thence 270° for a distance of 200 yards; thence 346° for a distance of about 1,425 yards to meet the prolongation of the center line of Seventh Street; and thence to the point of beginning.

(b) *Area A-2.* Beginning at a point 322° and 150 feet from the high water line on the most westerly part of Fairbanks Point; thence continuing on this bearing for a distance of 1,346 feet; thence 52° for a distance of 450 feet and thence generally southeasterly parallel to and 150 feet from the mean high water line to the point of beginning.

NOTE: Moorings and boating activities will be allowed in these areas conforming to applicable City of Morro Bay ordinances and regulations adopted pursuant thereto.

§ 110.126 Monterey Harbor, Calif.

The waters of Monterey Harbor between the shoreline and the following coordinates: Beginning at a point on the shoreline at latitude 36°36'27.5" N., longitude 121°53'35.0" W.; thence to latitude 36°36'32.4" N., longitude 121°53'31.0" W., in an easterly direction to latitude 36°36'28.8" N., 121°53'19.0" W.; thence south to latitude 36°36'23.1" N., longitude 121°53'19.0" W.; thence to the north end of Municipal Wharf No. 1 at latitude 36°36'20.0" N., longitude 121°53'28.0" W.

(33 U.S.C. 2071; 49 CFR 1.46(N)(14); 33 CFR 1.05-1(g))

[CGD 82-091, 47 FR 45878, Oct. 14, 1982]

§ 110.126a San Francisco Bay, Calif.

Richardson Bay Anchorage. That portion of Richardson Bay, north of a line bearing 257° from Peninsula Point to the shore at Sausalito, except for federally-maintained channels, and all channels approved for private use therein.

NOTE: An ordinance of the City of Sausalito requires the City's written consent before any vessel is moored or anchored in the portion of this special anchorage area known as the waters of Dunphy Park.

(Sec. 1, 30 Stat. 98, as amended. (33 U.S.C. 180); sec. 6(g)(1)(B), 80 Stat. 937; (49 U.S.C. 1655(g)(1)(B)); 49 CFR 1.46(c)(2))

[CGFR 69-109, 34 FR 17771, Nov. 4, 1969, as amended by CGD 78-126, 45 FR 10760, Feb. 19, 1980]

§ 110.127 Lake Mohave and Lake Mead, Nevada and Arizona.

(a) *Willow Beach, Ariz.* That portion of Lake Mohave enclosed by the shore and a line connecting the following points, excluding a 100-foot-wide fairway, extending westerly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

Latitude	*Longitude*
"a" 35°52'30" N.	114°39'35" W.
"b" 35°52'10" N.	114°39'35" W.

(b) *Katherine, Ariz.* That portion of Lake Mohave inclosed by the shore and a line connecting the following points, excluding a 100-foot-wide fairway, extending westerly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

Latitude	*Longitude*
"a" 35°13'33" N.	114°34'38" W.
"b" 35°13'05" N.	114°34'40" W.

NCMA / NORTHERN CALIFORNIA MARINE ASSOCIATION
2220 Livingston Street • Cotton Mill Bldg., Suite 208 • Oakland, CA 94606 • (415) 436-4664

RECEIVED
JUL 13 1984
SAN FRANCISCO BAY CONSERVATION & DEVELOPMENT COMMISSION

July 12, 1984

Mr. Jeffry Blanchfield
San Francisco Bay Conservation
and Development Commission
30 Van Ness Ave.
San Francisco, CA 94102

Dear Mr. Blanchfield and Commission Members:

We would like the comments contained herein submitted for the record.

The Northern California Marine Association fully supports a clean Richardson Bay. The Special Area Plan is well-intentioned and we agree the Bay must be protected, however, many of the recommendations contained within the plan are unenforceable. We suggest a major effort in cooperation, in conjunction with good laws and equitable policies.

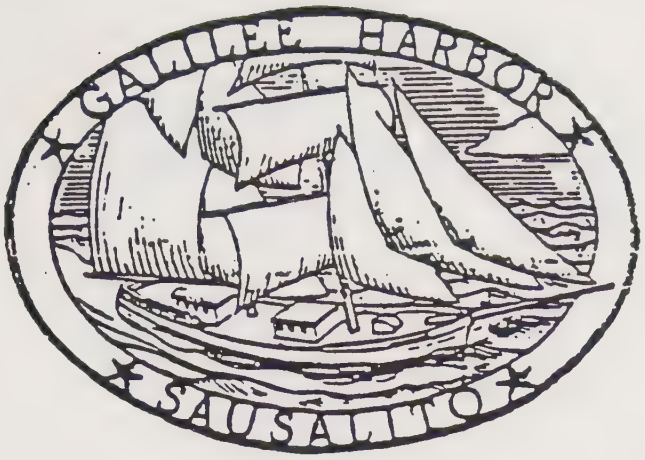
The problems addressed by the Plan are unique to Richardson Bay. Under no circumstances should the Richardson Bay Special Area Plan be considered a model for the rest of the Bay Area. As a marine trade association, we are very aware of many liveaboards living compatibly and responsibly throughout the greater Bay Area. The Special Area Plan should be considered as a possible solution to that portion of the San Francsico Bay only.

Respectfully submitted,

Claire M. Dake

Northern California Marine Assn.
Legislative Director

CMD/lw



RECEIVED
JUL 13 1984
SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

July 13, 1984

San Francisco Bay Conservation and Development Commissioners
San Francisco Bay Conservation and Development Commission
30 Van Ness Avenue
San Francisco, CA 94102

Re: Richardson Bay Special Area Plan

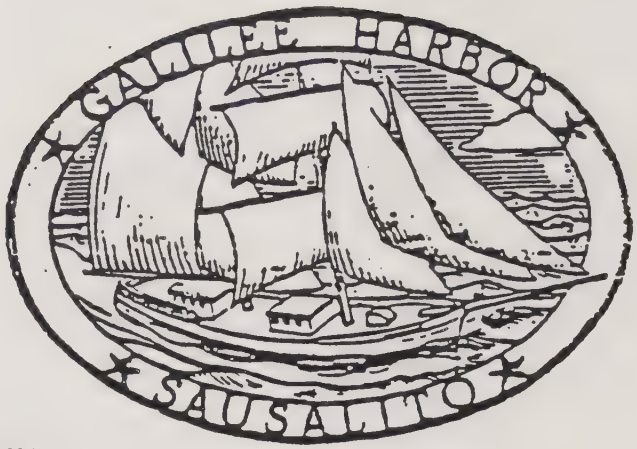
Dear Commissioners:

We agree with the Special Area Plan ("SAP") goals for Richardson Bay: protection of its natural resources; use of the water for water oriented uses; restoration and enhancement of degraded tidal wetlands; and provision for public access to and along its shoreline.

However, we think that for the SAP to be more completely a special area plan it needs to consider all components and their interrelationship within this special area. For example, the Sausalito Planning Department in its preliminary environmental review notes that Sausalito "is the most varied of the Richardson Bay communities with an active commercial and sport fishing fleet and industry and the largest number of pleasure boat marinas in San Francisco Bay. A houseboat community is also found in Sausalito along the Northern waterfront." It is a waterfront that has hosted a human habitat since the turn of the century; the SAP directs its attention to the acquatic and wildlife resources of Richardson Bay.

Galilee Harbor Community Association ("GHCA"), as part of the working waterfront community of Sausalito and the Greater Bay Area boating community, would like to point out that the SAP does not contain a human resources section in its findings and policies. We think that such an incorporation would add balance to the Report by addressing issues relevant to comprehensive Bay planning.

LILEE HARBOR COMMUNITY ASSOCIATION INC 300 NAPA ST SAUSALITO CA 94965



Accordingly, we recommend that a human resource section be included in "Part II, Findings and Policies." This section would follow - both logically and in sequence - the discussion of "Aquatic and Wildlife Resources." "Aquatic and Wildlife" notes that the cold marine water environment is a segment in the migratory route of fish and a habitat for ocean living fish. It lists important food sources such as herring, salmon and trout as well as bait fish such as anchovy. It appreciates the Bay's value as a shelter from strong tides and winds.

For these same reasons, the Bay is an important environment for humans. Fish plus a protected Bay equals fishermen, boat repair and haulout, marine mechanics, bait barges, etc. There are humans for whom the waterfront is a natural habitat and we would ask that you consider the human niche on waterfronts.

We think it appropriate that when the SAP considers habitat disturbance, it addresses the pressure on humans whose lives are water allied. Many of the smaller houseboats and liveaboards most likely to be displaced by the SAP are peopled by a maritime work force, those who provide essential maritime skills and services to the larger community and, as such, their displacement is not simply a personal and private loss.

The SAP policies state that the open water, marshes and eelgrass beds are particularly valuable habitat and should be afforded maximum protection. We would add that fishermen, boatbuilders and other maritime crafts people also need habitat protection.

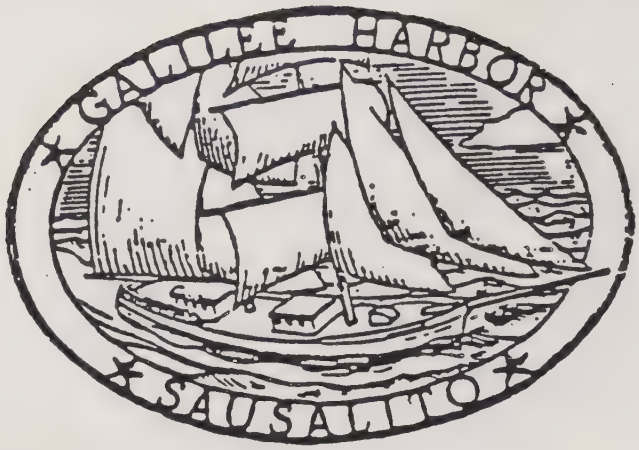
Just as the SAP appreciates that jurisdictions don't separate out but impact on one another, so human lives often don't separate out into live and livelihood, work and living space. There are those for whom the waterfront is a natural context. We recognize why the SAP directs its attention to the Bay as a recreational resource. This emphasis on Richardson Bay as a recreational resource in a populated

urban area is an understandable perspective. And we agree that Richardson Bay is an important recreational resource, but propose that working and living perspectives are also important and can be incorporated in a way that enhances environmental quality. For Richardson Bay is not only a place to play, it is a place to live and work.

We have a real concern that the effect of the SAP will be to eliminate traditional and stable maritime communities existing usually on the smaller yachts and houseboats and peopled by those working along the waterfront as artists or artisans. This does not mean we don't share SAP concerns that escalating houseboat and mooring costs as well as design codes could mean yet more large boxlike structures on the water's edge. The proliferation of tract housing on the waterfront is as inappropriate a use of waterfronts as are office buildings.

As the Special Area Plan now reads, there is a separating out of the maritime industry from those who populate the industry and, though maritime commerce is not given major status in the Report, it is recognized as a good whereas people on the waterfront are not. We trust that a consideration of human resources would modify the SAP stance into a realization that lives and livelihoods are not necessarily separate, but rather that there are humans whose lives are a vital part of the waterfront ecosystem and that this interrelation is a fulfillment of basic trust purposes (i.e., commerce and fisheries).

Trust purposes such as public access and open space would be enhanced in an interesting way: buying fish directly from boats, watching fishermen unload the day's catch or repair nets would be a variation on the usual concept of waterfront parks. We think it would be particularly valuable for children of our urban environment to have contact with other ways of living.



Galilee Harbor Community Association looks forward to working together with the entire Richardson Bay community on the real business at hand - cleaning the Bay and protecting its natural resources, restoring the marshes, maximizing public access and preserving the diversified, mixed use waterfront that is Sausalito.

Very truly yours,

Galilee Harbor Community Association, Inc.

By Kathleen Merrifield
Kathleen Merrifield

GALILEE HARBOR COMMUNITY ASSOCIATION INC 300 NAPA ST SAUSALITO CA 94965

July 27, 1984

BAY CONSERVATION DEVELOPMENT COMMISSION
30 Van Ness Avenue
San Francisco, CA 94109

Mr. Chairman and members of the Commission:

On behalf of the Sierra Club-Marin Group we present the following testimony in relation to the Richardson Bay Special Plan. This plan has been studied with great interest. We are pleased to see such a fine master plan being prepared for this important coastal bay of Marin County. The Steering and Advisory Committee are to be commended on their work.

There are a number of items however, that we feel should receive either more emphasis or greater clarification. These are provided for your consideration:

1. The plan is well organized and presented. It recognizes the major issues with which this area is confronted. We concur with the recommendations presented in both the report and the "Further Committee Considerations" under date of April 4, 1984, except as indicated in these comments. The various subjects are discussed in the same order that they appear in the report to the extent possible.

2. Definitions of different types of vessels should be made absolutely clear, wherever regulations for each type differ. The floating vessels or structures needing definition appear to be:
   a. Residential unit vessel - Includes houseboats, liveaboards and anchor outs on which persons are living or staying overnight on Richardson Bay. All are discharge vessels or structures.
   b. Discharging vessel- Any vessel or structure discharging sewerage or wastewater into Richardson Bay, or possessing working facilities capable of discharging sewerage or wastewater into the Bay.
   c. Recreational boat - A boat used primarily for recreational purposes.
   d. Commercial boat - A boat used primarily for commercial purposes.

3. The objective should be to develop regulations that prohibit any discharge of either sewerage or wastewater into the Richardson Bay Special Area. It is recognized that the discharge of sewerage is more deleterious that the discharge of wastewater. However, it would seem almost impossible to control and eliminate sewerage discharges unless all wastewater discharge is eliminated. (Similar to regulations for moving vehicles on land.)

4. The importance of aquatic and terrestrial wildlife resources in the area has been recognized. Compensatory efforts should be required wherever developmental activities under the plan result in damage to fisheries and wildlife.

5. There is frequent misunderstanding and misuse of the following three terms in relation to fish and wildlife under this project: (1) compensation; (2) mitigation; and (3) enhancement. Compensation means full replacement in value or kind of any resource adversely affected. Mitigation means partial compensation, and is used where full replacement of the resource or its value is not feasible to provide. Enhancement means improvement over and above existing natural conditions, as well as over and above any required compensation or mitigation.
The policy on such projects should be to require compensation of damaged or destroyed fish and wildlife resources and their habitats to the extent feasible. Enhancement is an optional element of any project that is encouraged but not required. The Richardson Bay Plan should clearly identify and differentiate between those fish and wildlife elements and activities that are required compensation or mitigation, as well as optional enhancement features.

6. The recommendations of the Fish and Wildlife Service, as well as the State Department of Fish and Game, should be carefully considered and included in the plan.

7. It is noted that the discharge of treated wastewater, as well as the coliform bacteria count has increased in Richardson Bay during recent years. Although it is stated that the Sewerage Agency of Southern Marin is "carrying out treatment plans and programs", the matter is treated in a vague fashion. A more specific statement of both the current status of discharges and future corrective action deadlines is needed. What volumes of municipal wastewater, (both treated and untreated) are currently being discharged into the Richardson Bay area? What is the target date or deadline for achieving no deleterious municipal discharges into the area? These types of data should be included in the plan. The correction of this problem of controlling all types of waste discharges is essential to providing suitable water quality in this area.

8. There should likewise be set targets and deadlines as part of the overall plan whereby the County and cities within the Richardson Bay watershed develop and implement watershed plans for surface runoff management. Definitive plans and actions to reduce the discharge of sediment loads from the watersheds into the Richardson Bay area should be planned and implemented under defined time tables. Monitoring should also be undertaken as an integral part of the plan to determine when the established acceptable levels of sediment discharge have been reached.

9. We support designating Richardson Bay as a vessel sewage no discharge area. Is there any reason why this request through EPA cannot be made <u>now</u>? It will take considerable time for processing and approval, so if concensus has or can be reached on this point we suggest appropriate action be initiated now.

10. A definitive plan for the selection of the best feasible system of collection, transport and treatment of both sewerage and graywater from houseboats and liveaboards should be prepared as part of the special plan and effort made to expedite this key element of the plan.

11. A specific program of surface runoff management should be agreed upon by the local governments and County, along the lines proposed in the County Surface Runoff Management Plan.

12. We recommend that within the Richardson Bay watershed (as a model basis) that significant soil disturbance and grading activity during the rainy season be limited to emergency activities only.

13. It is recommended that the funding sought for the Regional Water Quality Control Board include establishment of a monitoring program for Richardson Bay water quality.

14. The experimental dredge spoil disposal in Raccoon Straits by the Corps of Engineers should not be undertaken without full consideration of Fish and Wildlife Service input and inclusion of conditions they recommend for the protection of fish and wildlife resources. This affects an important migration route for fish resources of the Sacramento-San Joaquin River System.

15. Conditions for disposal of dredged spoil on dry land should be fully defined in the plan policy, as well as under what conditions disposal in San Francisco Bay will be permitted.

16. Provision for a continuous unified public access system by the plan is strongly supported. However, it is recommended that public access routes for the entire area be defined by the plan now at the outset, rather than when future development occurs, as now stated in the plan. History has indicated that in other similar situations public access was not adequately provided for, since other uses had usurped proposed access areas. We urge you to consider preparation of an overall public access de-

signation at the outset as an integral part of the plan.

17. It is indicated that public access areas and required amenities, such as drinking fountains, restrooms, and landscaping "should be maintained as part of the project". We concur with the importance of doing this. However the Plan should include a more definitive description as to how such facilities will be funded and maintained. Coverage of this matter should be added to the otherwise excellent policies listed.

18. We strongly support the recommended proposals for adoption and carrying out of the Special Area Plan by various governmental agencies under their respective authorities. We trust that the spirit of cooperation and minor compromises of local authority will prevail in favor of the greater overall long range benefit for all.

We hope that your Commision will be supportive of the Richardson Bay Special Plan, as well as these proposed modifications. Please consider them in the constructive light in which they are intended.

Sincerely,

Willis A. Evans

WILLIS A. EVANS, Chairman
Conservation Committee
SIERRA CLUB, MARIN GROUP

373 Aqua 5 Road
Sausalito, Ca 94965
July 29, 1984

20

Marin County Planning Department
Civic Center
Civic Center Drive
San Rafael, Ca 94903

Re: Richardson Bay Special Area Plan

Board of Supervisors:

With regard to the need for both state agencies and local government to legislate and regulate San Francisco Bay as a whole and Richardson Bay in particular, we feel that it is appropriate that new plans and regulations are consistent with already existing Federal law. As a family of U. S. citizens and ones who would be immediately effected by the proposed policies of the Richardson Bay Special Area Plan, we request the following of the B.C.D.C. Commissioners:

1. That they request that an appropriate addendum be attached to each of the specially designated water use maps on pages 39, 41, 43, 45, 47 of the Special Area Plan, so as to designate the applicable Federal anchorages already existing, as defined in Title 33 of the Code of Federal Regulations.

2. That they note that we, Wayne and Suzanna Cooke, want those three legally existing, Federally designated anchorages---or failing that, at least that portion of these three existing Federally designated anchorages, which consist of navigable waters above submersed land, WHICH ARE NEVER EXPOSED AT ANY TIDE, to continue to be maintained, administered and policed by the local Federal agencies (Coast Guard and Army Corp of Engineers).

As concerned citizens, we would like to state and emphasize three other points:

1. As we have observed that the people and government of the city of Sausalito find it desirable to maintain the "unique character" of their waterfront in addition to the economy of the "working waterfront," it is important that the Federal anchorage be maintained as its existence is the basis for the economy of Sausalito's working waterfront. The Federal anchorage provides a safe harbor for small boats to come for repairs and work which often requires extended periods of time. Such marine activity (boat building and repair) is historically important to Richardson Bay, and we want to express support for its continuance---such activity is preventative medicine against "gentrification" of Richardson Bay (creating a waterfront too wealthy for fishermen) which has been detrimental to other waterfronts.

2. The anchor-out boats in Richardson Bay provide more living space for marine animal and plant life. Since

out to Richardson Bay. Local waterfowl (gulls, herons, egrets, ducks, pelicans and others) rest, observe their fishing grounds and fish from the houseboats anchored-out in the Bay. Shellfish and seaweed attach to the floating homes of their human neighbors. By providing more surface area for these marine water-cleansers, the anchored-out houseboats provide the service of actually helping to purify the waters of the Bay. Not to recognize these helpful functions to the ecology and environment of the Bay by the anchor-outs in the Bay would indicate short-sightedness and lack of detailed thinking on the part of the B.C.D.C.

3. The people living in the anchor-out homes in Richardson Bay provide the service of helping boaters in distress and recovering drifting boats, etc.

In conclusion, we want to reiterate that we appreciate and recognize the jurisdiction of the Coast Guard in matters concerning the legally existing Federally designated anchorages in San Francisco and Richardson Bays.

Sincerely,

Wayne N. Cooke

Suzanne S. Cooke

Wayne N. Cooke

Suzanne S. Cooke

cc. Army corp of Engineers
U.S. Coast Guard
Mill Valley Planning Dept.
Belevedere Planning Dept.
Tiburon Planning Dept.
Sausalito Planning Dept.
Bay Conservation and Development Commission

EXPLANATION OF ISSUES RAISED BY MARIN COUNTY PLANNING COMMISSIONERS AT A PUBLIC HEARING ON THE RICHARDSON BAY SPECIAL AREA PLAN HELD ON JULY 23, 1984.

1. Clarification of future dredging of the Salt Works Canal.

   In the Findings and Policies on navigation channels, marinas, anchorages, and moorages on pages 18-21 of the Plan, there are two references to the Salt Works Canal. Finding 6 on Page 19 states that the Canal has not been authorized by Congress and is not being maintained. It would have to be authorized by Congress in order for it to be dredged by the Corps of Engineers. This finding, however, would not preclude dredging by private parties or local governments provided that the appropriate permits were secured and funding obtained.

   Policy 5 on page 21 states that when a channel is cut through Strawberry Spit a new channel to Greenwood Cove through Strawberry Lagoon should be locally designated and marked. Maintenance dredging of this channel was not recommended as a priority, primarily because of the high cost and the limited number of boats using the channel. There is nothing stated in the Plan, however, that would preclude maintenance dredging organized and paid for by a local assessment district.

   Finding 6 of the Section on Dredging and Spoils Disposal states that the existing Salt Works Canal appears to be in equilibrium with the tidal currents so that dredging would not be necessary. This finding is based on a hydrologist's analysis of the most recent hydrographic maps of Richardson Bay done in 1978, which show depths of two to three feet in the Salt Works Canal. This statement does not in any way preclude dredging of the Canal.

2. Statement of purpose about policy of increasing open waters.

   Implicit in plan policies is the intention of maintaining or increasing open water in Richardson Bay for the purpose of protecting aquatic and wildlife habitat and allowing for navigation and water sports. Specific policies addressing this issue are the following:

   - Aquatic and Wildlife Resources, Policy 5, page 9.

   - Navigation channels, marinas, anchorages, and moorages, Policies 7 and 8, page 21.

   - Residential Vessels and Floating Structures, Policy 1, page 26

3. A copy of a letter to the Department of Fish and Game, requesting expansion of monitoring of aquatic resources, is attached.

4. Residential Vessels and Floating Structures, Page 27, Footnote 2, states that "The Gates Cooperative project would be an expansion of an existing houseboat marina." The Gates Cooperative is located in a lease area within the boundaries of Waldo Point Harbor, which is an approved houseboat marina. The project as proposed would be an expansion of an existing use.

5. Definition of "Transient Boats".

   In the "Definition" Section of the Plan on Page 2 is a definition of "moored for an extended period of time" which "means, when not in conflict with local codes, located for 30 days or more in one place." The converse of that definition would be a "transient boat", that is, a vessel moored for less than 30 days in one place.

6. Explanation of findings for the Negative Declaration of Environmental Impact

   In this instance, the grant of a Negative Declaration of Environmental Impact is a sustainable decision. Although testimony was presented to the Planning Commission that the proposed Plan could create adverse socio-economic impacts, the CEQA doctrine and standards set forth in the most current Guidelines issued by the State of California indicate that public agencies have the discretion to consider such impacts but that socio-economic impacts are not defined to be significant impacts. Additionally, the Planning Commission found and determined that no significant adverse impacts re: water supply, waste disposal or similar public services and facilities would be impacted by the proposed action. A change in location of floating homes would not in any way alter current levels of service nor would such an action place greater or higher demands on service providers.

TATE OF CALIFORNIA
STATE LANDS COMMISSION
ENNETH CORY, *Controller*
EO T. McCARTHY, *Lieutenant Governor*
ESSE R. HUFF, *Director of Finance*

GEORGE DEUKMEJIAN, *Governor*
EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, California 95814
CLAIRE T. DEDRICK
Executive Officer

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PLANNING

July 27, 1984

Mr. Alan Pendleton
Executive Director
San Francisco Bay Conservation and
Development Commission
30 Van Ness
San Francisco, CA 94102

Dear ~~Mr. Pendleton~~ Alan:

As we have stated before, the Richardson Bay Special Area Plan goes a long way toward addressing problems that have existed for a number of years. We question, however, whether the findings and policies recommended in the Plan as submitted April 1984, can be consistent with one another and with the public's present and future needs within Richardson Bay, a relatively small and enclosed body of water.

We believe there needs to be a greater balance between accommodating appropriate private uses and the public need for protection of its interest for commerce, navigation, fisheries, recreation and preservation of lands in their natural state.

The Public's ownership of certain underwater lands, contrary to what is depicted in Figure 4, P.28 of the plan, does include an easement over unfilled Board of Tide Land Commissioners lots that are subject to the public trust easement as established by the California Supreme Court decision in City of Berkeley, et. al. v. Superior Court of Alameda Co. 26C3d 515, 534 (1980). All lands subject to tidal action that were conveyed by board deeds are subject to the public trust easement. Properties owned by private parties that were filled on or before February 22, 1980 are free of the trust easement to the extent the areas are not subject to tidal action. Any such areas reclaimed after the date of the decision, February 22, 1980 would continue to be subject to the public trust easement. The City of Sausalito holds title to and administers the public trust easement for BTLC lots subject to tidal action as well as for its fee lands within the grant, and the State Lands Commission holds title to and administers the easement for the balance of the BTLC lots on

Richardson Bay. Finding No. 3, P.25 in the section Residental Vessels and Floating Structures should also include this statement. See letter dated March 29, 1983 from Lance Kiley to Jeffry Blanchfield on the Richardson Bay Planning Report "Existing Status of Shoreline and Water Uses of Richardson Bay". Also, we believe Exhibit 4 can indicate various ownership interests more accurately.

Balance of Public Trust Uses

Note how the plan deals with several major public trust uses. The section on Aquatic and Wildlife Resources (P.5-9) covers the enormous importance of Richardson Bay as habitat of fish species at all stages of development, migratory route of anadromous fishes and refuge for sea birds and migratory waterfowl, feeding area and habitat for algae and crustaceans and for seals. The plan identifies the existing Mount Tamalpais Wildlife Refuge and Audubon Society Sanctuary (P.9). According to the background report issued in September 1983, P.27, Audubon Society enforces the "no hunting" regulations within the 900 acre Audubon Sanctuary, protects wintering waterfowl between October and March, and carries on public education year round. The background report indicates Fish and Game has no money for acquisition of private interests in the Tamalpais Refuge and only limited resources for management and enforcement of no hunting rules. On the other hand local governments and multiple public and non-profit agencies have contributed to "Tidal Restoration and Marsh Enhancement" at this northeastern tip of Richardson Bay (P. 34-36). Findings and policies in this section of the plan describe how nine marsh areas have been enhanced, the positive effect on wildlife, and policies for future improvements.

The section on Public Access, Views and Vistas makes findings and recommends policies that endeavor to balance the public use or viewing with protection of natural areas (as in policy 6). Other policies encourage protection of the sandy beach at Sausalito, a continuous unified public access system around the periphery of Richardson Bay, open space, public launch ramps, fishing, boating, picknicking, public access use along the shoreline of marinas, opportunities for the transient boaters to have access from water to the land, among other things.

These discussions of Aquatic and Wildlife Resources illustrate three points:

1) Balance between resources protection and other trust needs such as public access;

2) The need to go beyond passive protection of existing resources into methods of restoration and enhancement

(to deal with future trust needs);

3) The amount of Richardson Bay surface allocated in support of game refuge and wildlife sancturary and as open water.

Since Richardson Bay is a relatively small but extremely important body of water, this means that there is a reduced amount of surface for other trust needs that are more intensive and not compatible with these important natural areas.

We have stated our concerns with the Plan's discussion of illegal anchor outs, liveaboards and houseboats before. (See attached statement by Diane Jones, alternate BCDC Commissioner, on June 28, 1984).

We believe that the sections discussing these private uses do not give as balanced a review of actual public trust needs that could occupy the same area, whether recreational or water-dependent industry, as does the discussion of Aquatic and Wildlife Resources under multiple headings. One other alternative, appropriate and important use, commercial fishing facilities, will be discussed at greater length in following pages.

1) Private residential use has in the past contributed to serious problems affecting aquatic and wildlife resources. Levels of coliform bacteria representing mainly the release of untreated sewage and graywater increased in some areas around certain recreational boating and houseboat marinas that lacked sewer service to houseboats and recreational vessels between 1973 and 1981. (Section on Water Quality, P.11). Two shellfish beds containing 146,000 clams cannot be harvested for human consumption because they contain pollutants. (Aquatic and Wildlife, P.10).

In a letter Sept.8, 1983 to John H. Reading, chairman of BCDC, Fred H. Dierker, Executive Officer of the San Francisco Regional Water Quality Control Board, pointed out that at a cost of more than $40 million the cities of Mill Valley, Sausalito and Tiburon are supporting new advanced sewage projects and methods. Unfortunately a single houseboat resident discharging raw sewage puts as many bacteria into the Bay as 10,000 residents served by a modern secondary sewage plant. This case is more striking in that all sewage except that from existing boats is exported outside Richardson Bay into deeper waters.

If $40 million is currently required for projects serving the general public how much more should be expended to accommodate this special use. Even if proper controls are instituted, it is not clear whether the methods will work

satisfactorily in all cases, be cost effective or that compliance will be universal. To add any recent arrivals to the experiment is taking an even greater risk. Furthermore in some cases a small group may establish an expensive system for this private residential use. This would tend to freeze a non-trust use into place because of the large financial stake in retaining the privileged interest against the statewide public interest in its waterways.

2) Staff reiterates that the cut-off date of September 30, 1983 proposed as Policy 2 of the section on Residential Vessels and Floating Structures is not appropriate. We do not believe there is justification to accommodate more recent arrivals to the area. The decision in the Berkeley case received wide publicity and clearly determined that BTLC lots still subject to tidal action were subject to the Public Trust Easement for the benefit of the statewide public. This decision was issued February 22, 1980. The Waldo Point Small Boat Marina Study completed in the fall of 1980 gave extensively circulated notice of the public's rights in BTLC lots subject to tidal action. Public agencies, commenting on the report in 1980 stated at that time that newcomers who entered the area within the past three years (1977-1980) had done so with full knowledge of the problems, and should not be permitted to remain. We would propose that February 22, 1980 be the absolute latest cutoff date for considering any equitable claims of existing houseboats for berthing in Richardson Bay.

3) As noted in the State Lands Commission staff statement of June 28, 1984 to BCDC, any authorization for this use should include a phase out on a time certain basis so that the marinas would then become open for appropriate public trust purposes.

We should note that even before the Berkeley decision clarified the public's interest in the tidelots, strict limits were placed on such use by local government and regional regulatory agencies. We continue to question validity of various claims made by those who occupied the lands prior to the decision since the occupancy was without authorization, in violation of the ordinances and regulations of many jurisdictions and without permit from private lot or trust easement owners. Early efforts to rectify the situation of houseboats illegally located within Richardson Bay are described in the BCDC staff report on "Status of Shoreline and Water Uses of Richardson Bay", issued in September 1983, P.8. In 1971 and 1973 BCDC issued permits for a period of 20 years so as to require houseboat communities to hookup to a shoreline sewage treatment system in four regulated marinas. These authorizations will expire in six to eight years.

We believe that the Richardson Bay Special Area Plan lacks sufficient information about a critical public trust use: Commercial fishing.

As recorded in the Advisory Committee Minutes of the November 30, 1982 meeting, one water related issue and goal was "Commercial Marinas and the Fishing Industry."

> "There is only one commercial dock (Ocean Traders) which does not have enough space to accommodate the fleet. This creates a conflict between the herring and salmon fishermen at certain times. The fishermen used to be able to use Napa Street Pier, but understand that it will be demolished, putting more pressure on available space. Sausalito agreed to provide study with copies of their Fishery report." (Minutes dated December 6, 1982).

The status of commercial fishing is important because, unlike residential uses, it is an appropriate, water dependent, maritime public trust use. Marin County and the cities of Mill Valley and Sausalito, who received legislatively granted public lands in trust, are obligated to direct harbor and marina operations toward promotion of navigation, commerce and fisheries of statewide or at least regional benefit, and the fishing industry represents all three. Whether the present and future needs of fisheries are met is vital to the industry and the Statewide Public. There are factors to consider when weighing various competing needs within Richardson Bay.

In January 1978, the Executive Officer of the State Lands Commission suggested that certain criteria recommended by the Commission together with the Office of the Attorney General are to be considered by the State Lands Commission and local governmental trustees in granting a lease of tidelands for anchored vessels being used as residences.

The trustee also considers the criteria when authorizing consistent uses of public easements.

They include the following:

1. The leased area must be a relatively small portion of the total water area in the harbor, bay or marina available for public trust purposes.

2. The lease must not constitute an interference with or inconvenience to commerce, navigation, fisheries or related public trust purposes such as recreation.

3. The term of the lease should be no longer than that period of time during which the leased area will not be needed for trust purposes, and the lease should be terminable under provisions which are reasonably exercisable by the Commission or the local grantee.

4. The location of the leased area must be compatible with existing and contemplated harbor facilities.

5. Any improvements to be erected in the leased area must not be so permanent or expensive as to create irreversible changes in the area, and should be easily removable.

6. No such lease can be granted that would have a significant detrimental environmental impact.

Since all public tidelands are subject to the trust easement, harbor and marina operations should be directed toward the promotion of navigation and fisheries of Statewide, or at least regional, benefit. See also discussion in attached statement of June 28, 1984.

The plan mentions that because of its sheltered location, size and proximity to Sausalito and San Francisco, Richardson Bay is especially suitable as an anchorage and harbor for recreational and small commercial vessels. It has a long history of maritime use as a watering station and harbor for careening, whaling, fishing and shipbuilding. (P.18). Recreational boating has grown to be the principal maritime use of the Bay. There are practical but very short references to need for onshore restrooms and shower facilities at the commercial fishing dock and handling of sewerage and graywater if liveaboards are permitted, navigation channels, dredging. Any overall needs of fishing vessels for expanded docking and specialized marinas however, are not addressed. While findings under "Aquatic and Wildlife Resources" contain valuable information on the fish resources, it does not deal with the practical needs of the fishing industry.

Apparently natural conditions determine what portions of Richardson Bay are designated to be protected as "open water" with the following uses:

1. "...aquatic and wildlife habitat, open space and nature study, low intensity water-related recreation uses such as fishing, swimming, wind-surfing, and boating facilities." The discussion of use of water areas under the plan continues, (P.37)

2. Marina facilities are located in deeper tidal waters in areas sheltered from strong winds and storms in close proximity to navigation and deep water...

3. Marine facilities continue at the waterfront of Sausalito with commercial and sport fishing facilities as currently authorized.

4. The existing houseboat areas are designated for houseboat use for so long as the area is not needed for public trust purposes. (P.37)

(underlining added for emphasis)

The four-way split of water uses does not strike a proper balance in our view.

The plan reviews claims for a major non-trust use, "Residential Vessels and Floating Structures". Here is a major non-trust use vying for space against those other uses that do carry out the requirements of granting statutes and the trust easement.

Staff of the State Lands Commission recently requested a copy of the Sausalito Fishing Industry report referred to in December 1982. Updating an earlier study, it amounts to 67 pages. We believe there is a need to explore in the searching way characteristic of other sections of the Richardson Bay Special Area Plan, how the present and future needs of this water-dependent industry and trust use should be supported, safeguarded, and enhanced. Should more berths be provided, set aside to serve the fishing fleet and transient fishing vessels. According to the BCDC staff report of September 1983, "Status of Shoreline and Water Uses of Richardson Bay," (P. 12), many fishing boats anchor out or tie up along one pier during the fishing season. To what extent is there a need for berths now. How will needs be met in the future.

In the period 1982-83 El Nino, a cyclic warming of ocean waters off the Coast of Peru, created storms and havoc from Peru to San Francisco Bay and beyond. Treve Johnson, writing in the January 1984 edition of Yachtsman described its devastating effect on marine life, and in particular, salmon and squid fishing.

Will normal runs of salmon revive the industry and increase demands on Richardson Bay?

In other trust areas, developments for the benefit of fishing vessels carefully define who is entitled to recognition as part of the industry by determining a minimum time spent in actual fishing, a verifiable minimum volume and value of the annual catch, as well as the usual licensing requirements.

Based on the above discussion and the June 28 statement, we recommend the following changes to the section on Residential Vessels and Boating Structures.

Finding No. 3, page 25.

Add to the present statement:

"The City of Sausalito administers the public trust easement for BTLC lots subject to tidal action as well as for its fee lands within the grant, and the State Lands Commission administers the easement for the balance of Richardson Bay."

Finding No. 5, page 26, states the "Privately patented tide and submerged lands may be used for any use as long as the use is consistent with local government and Bay Commission policies and regulations and is not inconsistent with public trust needs."

As noted in Finding No. 3, there is a public trust easement administered by the City of Sausalito and the State Lands Commission on legislatively granted and ungranted lands, respectively. Therefore, add:

"The City of Sausalito as legislative trustee for the public easement in those lands within its legislative grant has the obligation to weigh the public needs in the area carefully before authorizing a use. The opinions of other agencies and the public regarding the trust needs should enter into that consideration. This is the obligation of all trustees. Marin County and the City of Mill Valley also administer legislatively granted lands in Richardson Bay.

Policy No. 2 states

"Within the existing houseboat marinas, limited numbers...of new berths should be authorized to accommodate some of the anchor-out houseboats which existed in Richardson Bay on or prior to September 30, 1983..."

Change "should be authorized" to "may consider authorizing" and change "September 30, 1983" to "February 22, 1980".

Policy No. 3 states "to accommodate anchor-outs a limited number of liveaboards and houseboats should be permitted in the existing and new recreational boat marinas"...

Change "should be permitted" to "may be considered".

Add after anchor-outs "which existed in Richardson Bay on or prior to February 22, 1980."

We suggest an additional policy No. 5, as follows:

"Any authorization for liveaboards or houseboats should be strictly limited in duration. Priority should go to cruising vessels regularly used in navigation who provide an

additional public benefit." To assure compliance with State, federal and local regulations, environmental quality and public trust needs, any individual occupancy should be on a month-to-month basis and no rights may be transferred.

Recommendations for Agency Amendments to Policy Plans and Regulations, page 54, concerning Marin County include -- "Change the Resort and Commercial Recreation District zoning at Waldo Point Harbor, Yellow Ferry Harbor, and Commodore Marina to Floating Home Marina District zoning."

We believe this recommendation should be dropped.

Before adoption of the Special Area Plan Maps we believe there should be further consideration of public trust needs. The explanation of the uses of (1) open water, (2) marina facilities, (3) marine facilities and (4) houseboats does not adequately address respective public trust needs for the trust lands (see pages 11-12 above). For example, the final item under Use No. 3, limits commercial and sport fishing facilities to what is currently authorized. Although recreational cruising craft can find facilities under the other headings of open water and marina facilities, there is no provision for commercial and sport fishing facilities. Moreover, competition with trust and nontrust uses seems to leave no room for expansion where currently fishing facilities are acceptable. Because of the emphasis on residential use, that use takes a cumulatively larger share of public space and resources. It is not impossible that accommodation may be worked out between trust uses of recreational boating and commercial fishing consistent with aquatic and wildlife resources. But the statement under Use No. 4 that existing houseboat use "for so long as the area is not needed for public trust purposes" causes concern. There needs to be both a limitation of nontrust use to a time certain and an organized procedure to phase out residential use. Local agencies should not be in a position to perpetuate residential uses of public lands.

Sincerely,

LANCE KILEY
Division Chief, Land Management
And Conservation Division

cc: Jeffry Blanchfield
San Francisco Bay Conservation and
Development Commission
30 Van Ness
San Francisco, CA 94102

cc: Honorable Albert Aramburu
Supervisor
Marin County Board of Supervisors
Administration Building, Suite 306
Marin County Civic Center
San Rafael, CA 94903

H. Eric Borgwardt
Marin County Planning Department
Civic Center
San Rafael, CA 94903

Michael Fuson
City Manager
City of Sausalito
P. O . Box 127
Sausalito, CA 94965

Michael Foley, Planning Director
City of Sausalito
P. O. Box 127
Sausalito, CA 94965

Leland H. Jordan
City Attorney, Sausalito
Bagshaw, Martinelli, Corrigan & Jordan
950 Northgate Drive, Suite 303
San Rafael, CA 94903

Mark Reisenfeld
Planning Director
County of Marin
Civic Center
San Rafael, CA 94903

Lida Budko
Director of Community Development
City of Mill Valley
P. O. Box 31
Mill Valley, CA 94941

Jackie Bernier
Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA 94612

Gerald Borkenhagen
P. O. Box 1111
Sausalito, CA 94966
San Rafael, CA 94903

Fred H. Dierker
Regional Water Quality Control Board
1111 Jackson Street, Room 6040
Oakland, CA 94607

Marin County
Planning Department

Civic Center-San Rafael, California 94903 Telephone 499-6269 Mark J. Riesenfeld, AICP, Director

August 10, 1984

Board of Supervisors
County of Marin
Civic Center
San Rafael, CA 94903

RE: Richardson Bay Special Area Plan

Dear Board Members:

The Richardson Bay Special Area Plan is a management plan for Richardson Bay which has been guided through a two-year planning process by a Steering Committee composed of Supervisor Aramburu representing the County, one member each from the City Councils of Sausalito, Mill Valley, Tiburon and Belvedere and three representatives of the San Francisco Bay Conservation and Development Commission.

The plan represents a coordinated effort of local and state agencies to identify public trust needs in Richardson Bay. The public trust is a body of law which designates allowable uses for tidelands and submerged lands. Public trust uses include public access to the Bay, navigation, commerce, fishing, scenic view corridors and wildlife habitat.

The findings and policies are organized into seven sections. They provide guidance for protection of aquatic and wildlife resources, for improvement of water quality in the bay, for maintenance or establishment of navigation channels, siting of new marinas and establishment of anchorage and moorage zones, for dredging and spoils disposal, for location of residential vessels and floating structures, for public access, views and vistas and for tidal restoration and marsh enhancement.

Plan maps include a navigation plan and five water use area maps which indicate water uses in the various parts of the Bay. The water use area maps are based on the general plans and zoning of the five local jurisdictions and reflect the designations already in effect for the local governments.

The major policies and recommendations of the plan, drawn from the findings and policies section and from the recommendations for carrying out the plan are the following:

1. Vessels and floating structures used for residential purposes (i.e. houseboats and live-aboards) should be allowed only in recreational houseboat marina berths when consistent with and in compliance with local codes. All anchor-outs should be removed from Richardson Bay.

2. Within the existing houseboat marinas, limited numbers of new berths should be authorized to accommodate some of the anchor-out houseboats which existed in Richardson Bay on or prior to September 30, 1983, provided the anchor-out houseboat is in compliance with the applicable local government codes, including parking requirements; Bay Commission policies; and policies of the Special Area Plan. No new houseboat marinas should be authorized.

3. Marinas and yacht harbors should install sewage and graywater pumpout facilities available for public use in easily accessable locations and provide the service free of charge or at a reasonable fee to offset maintenance costs.

4. There should be no discharge of sewage into Richardson Bay and existing discharges should be eliminated. The local governments and the Bay Commission should request the Regional Water Quality Control Board to petition the federal Environmental Protection Agency (EPA) to designate Richardson Bay as a vessel sewage no discharge area.

5. Certain navigation channels as indicated on Plan Map 6, Navigation and Anchorage Plan, should be designated, marked, and maintained.

6. The local governments should jointly petition the U.S. Coast Guard to amend the federal Richardson Bay anchorage regulations to include the authority of local anchorage and moorage ordinances as notes to the federal anchorage regulations.

7. The local governments and the Bay Commission should adopt Part II. Findings and Policies and Part III. Special Area Plan Maps as amendments to the local government's general plans and the Bay Commission's San Francisco Bay Plan.

8. After adoption of the plan by all five local governments, a cooperative agreement should be established as necessary among the local governments to implement those policies and recommendations of the Special Area Plan that affect each agency and would best be carried out jointly, such as administration of anchorage and moorage areas, navigation channel marking and maintenance; and floating debris removal. Effective enforcement of many of the policies in this plan will depend on a cooperative agreement. The specific terms of such an agreement would be established jointly by the local governments.

Public hearings are being held or have been scheduled with other local jurisdictions. The Bay Conservation and Development Commission has held three public hearings and expects to consider the Plan for adoption in the fall. The Strawberry Recreation District, which did not have a seat on the Steering Committee, but which has participated in the planning process, adopted the Plan at its Board meeting on July 17.

The Town of Tiburon has requested that an appendix to the plan be prepared which includes staff reports and minutes of meetings of all the jurisdictions holding hearings, a record of actions taken by each jurisdiction and copies of all correspondence. This document will be assembled and printed after final action by each jurisdiction.

RECOMMENDATIONS:

1. Adopt a Negative Declaration of Environmental Impact for the Richardson Bay Special Area Plan.

2. Adopt the attached Resolution, approving the Richardson Bay Special Area Plan as an area plan which is part of the Marin Countywide Plan.

Respectfully submitted

Carol Williams
Policy and Program Planner

CW:cm
Attachments:

1. Resolution
2. Richardson Bay Special Area Plan
3. Staff Report to Planning Commission
4. Minutes of Planning Commission
5. Staff Responses to Questions raised in the Planning Commission Minutes
6. Letter from Hayne M. Cooke and Suzanne S. Cooke

MARIN COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. _____

A RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
ADOPTING THE RICHARDSON BAY SPECIAL AREA PLAN

WHEREAS, in 1982 the County of Marin, the cities of Belvedere, Tiburon, Mill Valley, Sausalito and the Bay Conservation and Development Commission approved a Steering Committee and an Advisory Committee to guide the preparation of a management plan for Richardson Bay, and

WHEREAS, the Steering Committee approved the Richardson Bay Special Area Plan on April 17, 1984, after three public hearings on the draft plan, and

WHEREAS, the Marin County Planning Commission held a duly noticed public hearing on the Plan on July 23, 1984, and

WHEREAS, the Marin County Planning Commission adopted a resolution recommending that the Marin County Board of Supervisors adopt the Richardson Bay Special Area Plan, and

WHEREAS, the findings and policies of the Richardson Bay Special Area Plan provide guidance for protection of aquatic and wildlife resources, for the improvement of water quality, for maintenance and establishment of navigation channels, for siting of new marinas and establishment of anchorage and moorage zones, for dredging and spoils disposal, for location of residential vessels and floating structures, for public access, views and vistas, and for tidal restoration and marsh enhancement, and

WHEREAS, the Plan maps provide guidance for navigation and beneficial usage of the waters of Richardson Bay and reflect general plan and zoning designations established by the County of Marin,

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors hereby adopts the findings and policies and the plan maps of the Richardson Bay Special Area Plan as an area plan which is part of the Marin Countywide Plan.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the _____ day of _____ 1984, by the following vote to-wit:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

_____
CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF MARIN

_____
Van Gillespie
Clerk of the Board

6. A. NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT: RICHARDSON BAY SPECIAL AREA PLAN
   B. RICHARDSON BAY SPECIAL AREA PLAN

ATTACHMENTS:

1. Text of Richardson Bay Special Area Plan (Planning Commission only)
2. Five background reports: (Planning Commission only)
   - Status of Shoreline and Water Uses of Richardson Bay
   - Water Quality Issues in Richardson Bay
   - Sediment Hydraulics of Richardson Bay
   - Aquatic and Wildlife Resources of Richardson Bay
   - Regulations Report for the Richardson Bay Special Area Plan
3. Negative Declaration of Environmental Report
4. Correspondence

DISCUSSION

The Richardson Bay Special Area Plan is a management plan for the water and shoreline areas of Richardson Bay.

Five local governments have jurisdiction over its waters and shoreline: Marin County, the Cities of Belvedere, Mill Valley and Sausalito and the Town of Tiburon. The water and shoreline areas of Richardson Bay are also within the jurisdiction of a state agency, the San Francisco Bay Conservation and Development Commission.

Since activities that occur in one local jurisdiction may have impact on the other jurisdictions, a uniform set of planning policies and regulatory controls common to the local governments and the Bay Commission has been developed. The purpose of the Richardson Bay Special Area Plan is to recommend to each jurisdiction uniform policies and regulations for adoption as that jurisdiction's specific policy for Richardson Bay.

To guide preparation of the plan, the local governments and the Bay Commission approved a Steering Committee composed of one member of the Board of Supervisors, one member each from the City Councils of Sausalito, Mill Valley, Tiburon and Belvedere and three representatives of the San Francisco Bay Conservation and Development Commission. In addition an Advisory Committee was formed of over 50 people representing residents, groups, organizations and public agencies interested in Richardson Bay.

The findings and policies of the plan are based on five background reports which are included in your packet. The reports are:

1. Status of Shoreline and Water Uses of Richardson Bay
2. Water Quality Issues in Richardson Bay
3. Sediment Hydraulics of Richardson Bay
4. Aquatic and Wildlife Resources of Richardson Bay
5. Regulations Report for the Richardson Bay Special Area Plan.

The Advisory Committee held four meetings to discuss the reports, the Steering Committee held four hearings on the reports and two joint meetings of both Committees were held. In addition three joint hearings of the Steering Committee and the Advisory

Committee were held before the Steering Committee adopted the plan. The plan has already gone through extensive public review and revision before being presented to each local government for public hearings.

The plan represents a coordinated effort of local and state agencies to identify public trust needs in Richardson Bay. The public trust is a body of law which designates allowable uses for tidelands and submerged lands. Public trust uses include public access to the Bay, navigation, commerce, fishing, scenic view corridors and wildlife habitat.

The findings and policies are organized into seven sections. They provide guidance for protection of aquatic and wildlife resources, for improvement of water quality in the bay, for maintenance or establishment of navigation channels, siting of new marinas and establishment of anchorage and moorage zones, for dredging and spoils disposal, for location of residential vessels and floating structures, for public access, views and vistas and for tidal restoration and marsh enhancement.

Plan maps include a navigation plan and five water use area maps which indicate water uses in the various parts of the Bay. The water use area maps are based on the general plans and zoning of the five local jurisdictions and reflect the designations already in effect for the local governments.

The major policies and recommendations of the plan, drawn from the findings and policies section and from the recommendations for carrying out the plan are the following:

1. Vessels and floating structures used for residential purposes (i.e. houseboats and live-aboards) should be allowed only in recreational houseboat marina berths when consistent with and in compliance with local codes. All anchor-outs should be removed from Richardson Bay.

2. Within the existing houseboat marinas, limited numbers of new berths should be authorized to accommodate some of the anchor-out houseboats which existed in Richardson Bay on or prior to September 30, 1983, provided the anchor-out houseboat is in compliance with the applicable local government codes, including parking requirements; Bay Commission policies; and policies of the Special Area Plan. No new houseboat marinas should be authorized.

3. Marinas and yacht harbors should install sewage and graywater pumpout facilities available for public use in easily accessable locations and provide the service free of charge or at a reasonable fee to offset maintenance costs.

4. There should be no discharge of sewage into Richardson Bay and existing discharges should be eliminated. The local governments and the Bay Commission should request the Regional Water Quality Control Board to petition the federal Environmental Protection Agency (EPA) to designate Richardson Bay as a vessel sewage no discharge area.

5. Certain navigation channels as indicated on Plan Map 1, Navigation and Anchorage Plan, should be designated, marked, and maintained.

6. The local governments should jointly petition the U.S. Coast Guard to amend the federal Richardson Bay anchorage regulations to include the authority of local anchorage and moorage ordinances as notes to the federal anchorage regulations.

7. The local government and the Bay Commission should adopt Part II. Findings and Policies and Part III. Special Area Plan Maps as amendments to the local government's general plans and the Bay Commission's San Francisco Bay Plan.

8. After adoption of the plan by all five local governments, a cooperative agreement should be established as necessary among the local governments to implement those policies and recommendations of the Special Area Plan that affect each agency and would best be carried out jointly, such as administration of anchorage and moorage areas, navigation channel marking and maintenance; and floating debris removal. Effective enforcement of many of the policies in this plan will depend on a cooperative agreement. The specific terms of such an agreement would be established jointly by the local governments.

In addition to the foregoing recommendations, which would apply equally to all five local governments, future actions which Marin County should take to implement the plan include rezonings of underwater lands to conform with plan designations. Marin County and State of California owned lands in the open water area of Richardson Bay which are now zoned A-2 should be rezoned to Open Area District and combined with the Bayfront Conservation Zone.

The existing Resort and Commercial Recreation District Zoning that is solely in the water area should be changed to Open Area District and combined with the Bayfront Conservation Zone to the extent possible. In some cases where the same parcel includes both a developed area and open water, such a change would not be possible.

The existing Resort and Commercial Recreation District Zoning at Waldo Point Harbor, Yellow Ferry Harbor and Commodore Marinas should be changed to Floating Home Marina District Zoning.

RECOMMENDED ACTIONS

Action #1: Conduct a public hearing for the Negative Declaration of Environmental Impact for the Richardson Bay Special Area Plan.

Action #2: Approve the Negative Declaration of Environmental Impact.

Action #3: Conduct a public hearing on the Richardson Bay Special Area Plan.

Action #4: Adopt the attached Resolution recommending that the Board of Supervisors adopt the Richardson Bay Special Area Plan by resolution and that the water use maps which apply to Marin County be adopted as part of the Marin Countywide Plan.

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO._____

A RESOLUTION OF THE MARIN COUNTY PLANNING COMMISSION RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT THE RICHARDSON BAY SPECIAL AREA PLAN

WHEREAS, in 1982 the County of Marin, the cities of Belvedere, Tiburon, Mill Valley, Sausalito and the Bay Conservation and Development Commission approved a Steering Committee and an Advisory Committee to guide the preparation of a management plan for Richardson Bay, and

WHEREAS, the Steering Committee approved the Richardson Bay Special Area Plan on April 17, 1984, after three public hearings on the draft plan, and

WHEREAS, the findings and policies of the Richardson's Bay Special Area Plan provide guidance for protection of aquatic and wildlife resources, for the improvement of water quality, for maintenance and establishment of navigation channels, for siting of new marinas and establishment of anchorage and moorage zones, for dredging and spoils disposal, for location of residential vessels and floating structures, for public access, views and vistas, and for tidal restoration and marsh enhancement, and

WHEREAS, the Plan maps provide guidance for navigation and beneficial usage of the waters of Richardson Bay and reflect general plan and zoning designations established by the County of Marin.

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby approves and recommends that the Board of Supervisors adopt the findings and policies of the Richardson Bay Special Area Plan and also adopt the plan maps which apply to Marin County as part of the Countywide Plan.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the _____ day of _____, 1984 by the following vote to-wit:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

Marin County
Planning Department

vic Center-San Rafael, California 94903 Telephone 499-6269 Mark J. Riesenfeld, AICP, Director

August 10, 1984

Mr. Jim Swanson
California Department of Fish and Game
P.O. Box 47
Yountville, CA 94599

Dear Mr. Swanson:

At the request of the Marin County Planning Commission, I am writing to you about an area of implementation of the Richardson Bay Special Area Plan which is of particular concern to the Commissioners.

As you know, the Richardson Bay Special Area Plan includes findings and policies on aquatic and wildlife resources. These policies are designed to protect aquatic and marsh area species and their habitat in and on the shores of Richardson Bay. The Commissioners are concerned about the ongoing implementation of these policies and are requesting that the Department of Fish and Game expand its monitoring of shoreline and aquatic species and habitat in Richardson Bay including tidal marshes and eelgrass beds.

Thank you for your consideration of this request.

Sincerely,

Carol Williams

Carol Williams
Policy and Program Planner

CW:cm

TE OF CALIFORNIA
GEORGE DEUKMEJIAN, Governor
AN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
VAN NESS AVENUE
N FRANCISCO, CALIFORNIA 94102-6080
ONE: (415) 557-3686

August 13, 1984

RECEIVED
AUG 13 1984
MARIN COUNTY
PLANNING COMMISSION

Ms. Karlena Palomares
P. O. Box 31330
San Francisco, California 94131

Dear Karlena:

In regard to our recent conversation concerning the possible reluctance of the Belvedere Planning Commission to recommended City Council adoption of the Richardson Bay Special Area Plan if the existing Plan policy language concerning pumpout stations is unmodified; I agree, it would be prudent to have backup language available that you could offer as an alternative.

The current language regarding pumpout facilities, Water Quality Policy 7, page 15, reads as follows:

> Marinas and yacht harbors should install sewage and graywater pumpout facilities available for public use in easily accessible locations and provide the service free of charge or at a reasonable fee to offset maintenance costs. Marinas and yacht harbors with vessels used as residences should provide on land conveniently located restrooms, showers, parking, and garbage disposal facilities adequate to serve authorized resident live-aboard occupants.

The Cove Committee is concerned that the policy specifically identifies yacht clubs as entities that should provide pumpout facilities. One way of taking the spotlight off the yacht clubs is to drop reference to them in the policy. Consider the following alternative language for Policy 7:

> Marinas should: (a) install sewage pumpout facilities in easily accessible locations available to the public free of charge or at a reasonable fee to offset maintenance costs; (b) provide on land conveniently located public restrooms; and (c) when vessels used as residences are authorized, provide on land showers, parking, and garbage facilities adequate to serve the live-aboard residents.

In essence, the policy would still apply to the yacht clubs (the berthing facilities would be considered a marina), but they would not be specifically identified.

Because the yacht clubs have expressed concern that the policy language requires pumpout stations to be installed for any work they may undertake at the clubs, and that if they do install the stations the public would be allowed to use the facilities, consider the following language specific to Belvedere as an alternate to Policy 7:

> Yacht clubs in Belvedere should install sewage pumpout facilities at the time of berthing expansion easily accessible locations free of charge or at a reasonable fee to offset maintenance costs; (b) provide on land conveniently located restrooms, and (c) where vessels used as residences are authorized, provide on land showers, parking, and garbage facilities adequate to serve live-aboard residents.

We could not recommend such alternate language to Policy 7 for adoption by BCDC because we believe the existing language adopted by the Steering Committee is good policy. However, if the Attorney General's letter in response to the questions raised by the Planning Commission fails to pursuade the Commission to recommend approval of the Plan to the Council, perhaps they will find alternate language to Policy 7 agreeable. I would, however, view alternate language as a last resort.

The Cove Committee also recommended that the Plan include a recommendation that docks and other structures that either float or extend over the water be kept in good repair in order to prevent materials from falling off and becoming a hazard to navigation.

I think this is a good point and suggest that rather than including new findings and policies language to address the concern, Belvedere recommend to the other cities, the County, and the Commission that each agency include something similar to the following language as a condition in their use permits:

> Work shall be performed and the structure shall be maintained in a manner so as to prevent materials from falling into the water that would pose a hazard to navigation.

It is simpler to make a recommendation rather than amending the findings and policies (which would probably require action by the Steering Committee) at this stage.

Lastly, it was recommended by the Cove Committee that some mechanism be established for collecting and removing debris from the Bay that presents an

obstacle and hazard to navigation. It seems to me that such a task could readily be performed pursuant to the local cooperative agreement as specifically proposed on page 58 of the Plan.

I hope this has been helpful.

Best regards,

JEFFRY S. BLANCHFIELD
Chief Planner

JSB/lg

cc: Al Aramburu
Erwin Farley
Carol Williams

OHN K. VAN DE KAMP
ttorney General

State of California
DEPARTMENT OF JUSTICE

350 McALLISTER STREET, ROOM 6000
SAN FRANCISCO 94102
(415) 557-2544
(415) 557-2274

August 13, 1984

Mr. Alan R. Pendleton
Executive Director
San Francisco Bay Conservation
and Development Commission
30 Van Ness Avenue
San Francisco, CA 94102

Dear Mr. Pendleton:

Re: Informal Letter of Advice -- Richardson Bay Special Area Plan

You have asked for an informal letter of advice on several questions raised during a discussion of the Richardson Bay Special Area Plan by the City Council and Planning Commission of the City of Belvedere. The recommended plan was prepared by a Steering Committee consisting of representatives of the San Francisco Bay Conservation and Development Commission, the County of Marin, and the Cities of Belvedere, Mill Valley, Sausalito and Tiburon. The various governing bodies are now considering the findings and policies proposed in the recommended plan. The questions and our answers follows:

1. Do the proposed Special Area Plan policies prohibit, limit, or otherwise adversely affect dredging, including hydraulic dredging, of the San Francisco Yacht Club and Corinthian Yacht Club facilities in Belvedere or prevent the disposal of the dredged material in Raccoon Strait?

ANSWER: The Special Area Plan policies on Dredging and Spoils Disposal (pages 22-24) recognize the need to dredge marina facilities to promote active and safe navigation. Policy 2, page 23, states: "marina basins . . . should be dredged to a minimum of -8 feet MLLW." The policy would apply to both yacht club harbors in Belvedere. This policy does not, therefore, prohibit hydraulic or any other type of dredging activity and, in fact, indicates that dredging will likely be needed. Consequently, the policy would support authorization of necessary dredging when permit applications are submitted to the Commission.

All dredging and disposal of spoils in San Francisco Bay is also subject to federal regulation. (See 33 U.S.C. § 403; 33 U.S.C. § 1343-1344.) Should the Special Area Plan be adopted, it cannot and will not change the way dredging applications are reviewed by the Corps of Engineers. However, the Special Area Plan Policy 7, page 24, specifically states that: "The Corps of Engineers should continue to evaluate on a case-by-case basis proposals for the disposal of small amounts of dredged materials in Raccoon Strait. . . ."

We understand that the most difficult problem with yacht harbor basin maintenance in the past has not been with dredging the facility, but with disposal of the dredged material. Under existing Bay Plan policies, dryland disposal of spoils is the favored disposal method. (San Francisco Bay Conservation and Development Commission, San Francisco Bay Plan Findings, and Policies on Dredging, pp. 15-16.) Very few upland disposal sites, however, are available near Belvedere. Where upland disposal is not feasible, dredged material can be disposed of in the Bay if the dredged materials are not contaminated with pollutants in excess of federal Environmental Protection Agency (EPA) standards. Presently, the U.S. Army Corps of Engineers has designated certain sites in the Bay where spoiling is allowed. The closest designated site to Belvedere is off Alcatraz Island. The Corps of Engineers has permitted, however, on an experimental basis, the disposal of a limited amount of dredged material in Raccoon Strait. Existing San Francisco Bay Plan policies on dredging also allow the Commission, where no other alternative is feasible, to authorize disposal of dredged material in the Bay in areas designated as spoiling sites by the Corps of Engineers. (San Francisco Bay Conservation and Development Commission, San Francisco Bay Plan Findings, and Policies on Dredging, pp. 15-16.) The Commission, therefore, may, and has, authorized spoiling in Raccoon Strait when the Corps designates that area for spoiling.

According to the BCDC staff, the recent applications of the San Francisco Yacht Club and the Corinthian Yacht Club for a BCDC permit to dredge and thereafter dispose of the dredged material in Raccoon Strait were approved by the Commission with conditions regarding time of disposal and a monitoring program

developed in cooperation with the Department of Fish and Game, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the Regional Water Quality Control Board. Although the San Francisco Yacht Club has not yet dredged, the bathymetric surveys of disposal submitted by the Corinthian Yacht Club subsequent to their dredging show that the dredged material did disperse after deposition as predicted.

2. Would the adoption of the Special Area Plan increase BCDC's geographic jurisdiction over projects requiring BCDC permits within the City of Belvedere?

ANSWER: No. Adoption of the Special Area Plan will not change the type of projects that need BCDC permits nor would it expand the geographic area of BCDC jurisdiction. The Commission's geographic jurisdiction and the definition of "project" for permitting authority are specifically described in the McAteer-Petris Act (see Government Code sections 66604, 66610) and further defined in the Commission's regulations. (14 Cal. Admin. Code § 10110 et seq.)

Administrative agencies, such as BCDC, cannot adopt policies or regulations that would enlarge the scope of their jurisdiction or powers and any attempt to do so will be invalidated by a reviewing court. (Morris v. Williams (1967) 67 Cal.2d 733, 748; Blumenfeld v. San Francisco Bay Conservation, etc. Comm. (1974) 4 Cal.App.3d 50, 57.) The adoption of the Special Area Plan's findings, policies, and maps would in no way increase or change BCDC's geographic jurisdiction as established by the Legislature. Only the Legislature of the State of California can change the jurisdiction or power of BCDC through an amendment to the McAteer-Petris Act.

The formation of a cooperative agreement to streamline implementation of the Special Area Plan's policy by the local governments involved, as is recommended on pages 58-59 of the Special Area Plan, would only relate to areas of local government concern. BCDC is not a recommended party to any such agreement and BCDC's jurisdiction would in no way be expanded to encompass areas of local authority. Moreover, it is clearly stated on page 58 that ". . . the agreement should not institute authority over the normal local government land use planning and regulating authority, such as zoning and use permits. . . ."

3. Would the Special Area Plan change rules concerning release of sewage or graywater from recreational vessels?

ANSWER: The Special Area Plan does not and cannot alter existing federal laws regulating the release of sewage or gray-water from recreational vessels within Richardson Bay. The plan does recommend, however, that EPA designate Richardson Bay (in this instance defined by the Regional Water Quality Control Board as the area northwest of a line drawn between Sausalito Point and Peninsula Point) as a sewage no-discharge area. Although the above area does not include Belvedere Cove, a recommendation to include Belvedere Cove could result from further study based upon the recommendations contained in the Plan. If the recommendation contained in the proposed plan was to be adopted by the EPA, then the area designated would be unavailable for the release of sewage from vessels. The Special Area Plan recommends that marinas with permitted live-aboards monitor water quality within the marine basins.

4. Does the Special Area Plan increase BCDC's legal authority to require the installation of public pumpout facilities as a condition to the granting of permits for future minor activities such as maintenance dredging?

ANSWER: The Commission's authority to impose conditions depends on existing provisions of the McAteer-Petris Act and court interpretations of what are "reasonable" conditions in terms of specific projects. (See 14 Cal. Admin. Code § 10442.) The Special Area Plan cannot increase or decrease the Commission's legal authority to impose conditions nor alter existing appellate court decisions regarding the Commission's jurisdiction. (See discussion of Question No. 2.)

As no specific condition for any contemplated development within BCDC's jurisdiction has been presented, it is not possible to answer a question of BCDC's legal authority to condition any specific permit approval on the installation of public pumpout facilities.

The BCDC staff informs us, however, that the Commission to date has not imposed conditions requiring the installation of pumpout stations when applications for ordinary maintenance and repairs are submitted. In the 14 administrative permits issued by the Executive Director of the Commission to the San Francisco and

Corinthian Yacht Clubs such conditions have not been imposed. The Commission has imposed pumpout station requirements when substantial changes have been made to existing marinas, usually involving expansions of berthing and when new marinas are authorized.

We trust that the above response to your questions regarding the Richardson Bay Special Area Plan addresses the matters in which you are interested. Please feel free to contact me for additional advice regarding the Plan in the future.

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General

JOSEPH C. RUSCONI
Deputy Attorney General

JCR:sms

cc: Commissioner Albert Aramburu
George Gnoss, Mayor, City of Belvedere
Fred Emmons, Chairman, City of Belvedere Planning Comm.
Ed San Diego, Manager, City of Belvedere
Karlena Palomares, Planner, City of Belvedere
San Francisco Yacht Club
Corinthian Yacht Club
N. Gregory Taylor, Assistant Attorney General
Linus Masouredis, Deputy Attorney General

DR. P. DUNLAP SMITH
10 BARNER LANE
TIBURON, CALIFORNIA 94920

TO: BOARD OF DIRECTORS
SAN FRANCISCO YACHT CLUB

August 14, 1985

RE: RICHARDSON BAY SPECIAL AREA PLAN

As a long time resident of the Belvedere Tiburon Peninsula and a long standing member of the San Francisco Yacht Club, I wish to urge the Club's Board of Directors to reconsider its opposition to the Richardson Bay Special Area Plan (RBSAP). I recommend that you urge the Belvedere Planning Commission and Council to support it.

Many residents in Bel/Tiburon have donated money and hard work to preserve the natural resources of Richardson Bay through the establishment of the Audubon Preserve and the Tiburon bike path. I think the RBSAP is in keeping with the community's commitment to this environmentally fragile area which is now being damaged by pollution. I see the Plan as giving the cities of Belvedere and Tiburon a chance to clean up this pollution. Nor can I find any drawback to Club autonomy in the Plan.

1. Rather than being another layer of government for us to contend with, the RBSAP actually can strengthen the powers of local government through the joint powers agreement which would be drawn up between the four Southern Marin Cities and the County.

   Right now the federal government has sole authority through the Coast Guard for regulating infringements in this area including anchor outs. The cities have no authority in open water. Under the Plan our cities can jointly petition the Coast Guard for this authority. I'm confident the Coast Guard would be receptive in these days of federal cutbacks in funds and manpower. All boaters know that Coast Guard surveillance and protection of areas like Richardson Bay is minimal. The Plan offers us a local alternative which our Club should help the City of Belvedere obtain.

   And anchor outs - meaning boats moored over an extended period of time - along with houseboats and all that debris are a real problem. Even the Yacht Club has had trouble with anchor outs in the past. And the debris problem that floats over to our shoreline is an unsightly mess. It's rarely debris from our Peninsula, yet Belvedere and Tiburon end up paying all the clean up costs without having any control over the source in Richardson Bay. The Plan and the joint powers agreement will give our two cities much more clout, and make it easier for all Southern Marin cities to work together to solve these problems.

2. A crucial point is that the Plan does not grant additional authority over that which already exists to the regional agencies now having some regulatory say over our shoreline. The Plan does not increase the authority of BCDC over the Club or Belvedere (I understand the Attorney General's opinion confirms this). The Yacht Club's maintenence dredging could continue unaffected by the Plan. And the Regional Water Quality Control Board's pollution monitoring authority remains the same. Nor would Belvedere Cove be included should Richardson Bay be declared a No Vessel Discharge Zone. The Regional Board already requires that cities and counties around the Bay adopt a local Erosion Control Ordinance - perhaps a Belvedere Erosion Ordinance could benefit Belvedere Cove and the Club's dredging program. In short, the Plan could mean increased cooperation by these agencies with a strengthened local government authority under the joint powers agreement.

3. The issue of pump outs seems to have caused many misunderstandings. I hope the Board now realizes that nothing in the RBSAP, or any regional agency, could force the Club as it exists to install any type of pump out facility. Should our Club apply some day for a major berthing expansion (fifty berths or more), BCDC probably would require a pump out as a condition of approval. BCDC would do this Plan or no Plan. However, we are a private club. Frankly, if the Club ever decided on its own to install a pump out for members and guests, BCDC would have much less to say about it. And frankly, the Club would run into many problems in Belvedere Cove should it seek a major expansion. I like the Club the way it is. I don't see a pump out as a threat to the Club's authority or functioning.

   I would like the Belvedere Council, as a condition of approval of the RBSAP, to request that the joint powers agreement have some measure of regulation over the public pump outs to be located in public marinas in the Sausalito area of Richardson Bay, perhaps having to do with maintenence and costs.

As a sailor I treasure my freedom and am sensitive to over-regulation. I like to sail where I please. I think the RBSAP will increase sailing enjoyment in Richardson Bay, and a clean up there will certainly make it pleasanter to drive to the Yacht Club! Above all the Plan provides reasonable solutions to the pollution and unsightly mess which have long aggravated the Bel/Tiburon community.

P. Dunlap Smith

P. Dunlap Smith
cc Belvedere Planning Commissioners and Council Members

5-147

CITY OF SAUSALITO

420 LITHO STREET • P.O. BOX 127
SAUSALITO • CALIFORNIA 94966

MEMORANDUM

Date: September 13, 1984

TO: Councilmembers

FROM: Alice Rogers

SUBJECT: Special Area Plan

I would like to raise for your consideration a number of concerns I have with the proposed Special Area Plan and its effectiveness in realizing its goal of safeguarding Richardson Bay against environmental abuse.

Pollution: The plan has seemingly focussed, to the exclusion of recognizing other pollutants, on sewage. Sewage IS an important issue but it is one among many. The attached article notes other pollutants which are as serious (if not more serious) as sewage; notably soils and surface water run-off, chemical pollutants, and storm drain leakage. This plan currently does not articulate procedures to attack those very serious problems. Controls should be expressed in detail.

Fiscal analysis: The costs to the cities and county have not been addressed. Will Sausalito be responsible for carrying the bulk of the fiscal burden while conceivably enjoying only one vote in five for determining policy?

Representation: On the proposed joint-powers governing board, how would representatives be selected? Would each city/county jurisdiction have equal weight? How would the diverse viewpoints of local constituents be expressed?

No Discharge Zone: Establishment of such a zone presumes that sewage handling facilities exist. Must there necessarily be provisions in the Plan to address the need for retroactive requirements for existing marinas to provide sewage handling facilities that are both accessible and affordable? Once a no-discharge zone is enacted, what specifically will constitute enforcement procedures?

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Transient anchorage: The issue of visiting marine craft seems not to be adequately addressed. Will there be permitted anchorages? Will permits be required? How will permits be administered (if required)? What constitutes a transient craft?

Relocation of anchor-outs: If anchor-outs are mandated to locate in marinas, must provisions be made to assure that berths exist for them? Who must assume responsibility for providing those berths? If houseboats are not legally allowed in marinas, how are these boats to be accommodated?

If the issue of relocation actually becomes an issue of abatement, what will the cost be? The County currently has $250,000 allocated for abatement purposes in their jurisdiction this year...will cities be asked to allocate comparable funds? Will constituents have an opportunity to express their views on tax dollars spent for abatement purposes?

Is a restricted anchorage with a permitted maximum number of boats and an express termination date for the use not a more practical, humane and cost-effective option? Surely the Special Area Plan should offer specifics on the handling of the anchor-out situation before adoption.

Social impacts: I cannot speak to the adequacy of this newly prepared report because I have not yet received it. I do feel, however, that the Special Area Plan must not progress until the social issue is fully and adequately resolved.

Attachment

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5-149

atic Decline in Number of Fish

llution Menacing San Francisco Bay

Bill Soiffer

n diggers of San disappointed this hen authorities narantee a clean s to their precious rancisco Bay.

ago, the clams were eat after decades of proscribed as health ated waters.

authorities did not to test the clams on front this summer. lon of the bay is so that officials could clammers that the be eaten without ck.

problem of the San rs illuminates the nging over the fu- Will pollution poi- inland estuary on and the life that

onmentalists think hed the same crisis 20 years ago when g in the shorelines ury it. That uproar Conservation and mmission.

striped bass are prized by fishermen, but they are also valued by scientists as a "key measure of water quality," and by these standards, although the bay is not dying, it is at least running a fever.

During the past two decades, the striped bass population has plummeted 80 percent and now hovers at about 1 million. Scientists suspect that toxic pollutants — whose levels at "hot spots" around the bay are among the highest in the world — and freshwater diversions from rivers that feed the bay are causing the decline.

A study of more than 400 striped bass by the National Marine Fisheries Service in Tiburon found that more than half were seriously infested with parasitic worms and a third of the fish appeared deformed.

The study suggests a strong correlation between the incidence of parasites and high levels of toxic substances found in the liver and reproductive organs of the stripers.

"All pollutant levels taken together, it appears that the bay's striped bass are among the most polluted, if not the most polluted, of striped bass anywhere in the United States," said R. Bruce MacFarlane, an oceanographic researcher for the fisheries service.

Salmon, trout, shad and Dungeness crab populations have also seriously declined. But experts say an accurate living indicator of bay water quality are the shellfish on its floor that filter large quantities o water and accumulate high concen trations of toxic materials.

At Point Isabel, near Rich mond, shellfish have been found with levels of lead that are the high est ever recorded in scientific liters ture, revealing a serious source o local pollution caused by the shore line dumping of auto batteries.

The amounts of silver, coppe and mercury found in mussels ir Redwood Creek, a South Bay tida estuary, are among the highest ir the nation. High levels of PCB have been found north of San Jose in Coyote Creek.

Clams off Mare Island have been found with nickel levels that

Page 6 Col. 1

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The Pollution Threat to San Francisco Bay

From Page 1

are among the highest in the world. Mussels near Treasure Island and the San Mateo Bridge have levels of petroleum hydrocarbons that are 10 times higher than mussels outside the Golden Gate.

Roger James, the chief guardian of the bay as the executive officer of the State Regional Water Quality Control Board, said toxic pollution is more difficult to cure than the raw sewage problems that plagued the bay for decades.

"We are entering a new era from supervising the construction of sewer plants to the enforcement of pollution standards to protect the bay," he said.

He conceded there was some truth to sharp criticism that government agencies have failed to recognize all the toxic threats to water quality, set discharge controls and establish effective monitoring procedures.

But he said the interaction of chemical pollutants and fresh and salt water in the bay is not fully understood, and required more intensive research.

The San Francisco-based Citizens for a Better Environment produced a report on the plight of the bay that lashed out at government water agencies for "drastically incomplete" standards and "grossly deficient" monitoring requirements.

The report cited major oil refineries and the San Jose, Richmond, Union City and San Francisco sewer districts as chronic violators of permitted limits imposed on their bay discharges. It found that sewer plants and industries discharge into the bay each year about 650,000 pounds of toxicants and 12 million pounds of oil and grease.

Michael Bellivea, the study's project director, said the worst toxic pollutants are petroleum hydrocarbons such as benzene, xylene and toluene, heavy metals like cadmium, chromium and lead, PCBs, pesticides and industrial solvents.

"Toxics pose a threat to human health through the consumption of poisoned fish, shellfish and waterfowl," he said.

And, according to Bellivea, discharge standards set by the state regional board simply do not exist for many toxic materials. At the federal level, the Environmental Protection Agency recognizes 129 toxic "priority pollutants" for water, but standards are in effect only for about a dozen of them.

Bellivea said sewer agencies and industries are required to monitor themselves for toxic pollution on an average of four times a year, which "makes it easy for a discharger to submit data that reflect only a best condition."

One bay study by the Association of Bay Area Governments singled out a surprising source of bay pollution — storm sewers that carry pet dog wastes, fertilizers, metals, and gasoline and crankcase oil residues during heavy rains.

The problem of "street runoff" is recognized as one of the worst forms of pollution, the hardest to measure, and to control. It might pour more contaminants into the bay than industrial and municipal sewers, but it has not been studied extensively.

Given the state of pollution in the bay, fears have been raised that two water plans, one federal and one state, could damage or destroy the bay's life-support system.

The proposed $760 million extension of San Luis Drain would pour into the bay huge volumes of San Joaquin Valley irrigation wastewater laden with pesticides and fertilizers. Environmentalists fear it could become the largest single source of water pollution in the state.

Farmers say a drain is needed because irrigation waters deposit high salt concentrations in crop roots. The salts, trapped by impermeable layers of clay, are beginning to cut crop yields seriously.

The valley is the nation's most fluctuative farmland, accounting for half of California's $14 billion farm economy. But experts warn that by the year 2000, hundreds of thousands of acres could be rendered useless.

The bureau has spent $3 million to study all the risks and recently announced two more years of study. One solution it has is to diffuse the drain water into the delta during high river flows at a 10 to 1 dilution rate.

"All the fears are unfounded," said bureau official Jerry King. "We won't be allowed to reduce any beneficial uses of the delta and bay, ranging from drinking water to fishing."

Governor Deukmejian proposed last March to ship an additional 600,000 acre-feet of water annually to the south. The plan was defeated this summer largely because it did not include environmental protections for the bay, but it is sure to be revived again.

Scientists say freshwater flows are the lifeblood of the bay, carrying nutrients and providing a vital flushing action that washes pollutants out to sea. But state and federal water projects that began in 1937 have already diminished and diverted roughly 50 percent of the bay's freshwater flows.

Critics also charge that diversions are killing bay fisheries and pose a threat to wetland areas that depend on the bay's fragile mix of fresh and salt water. But state water needs are projected to jump 18 percent during the next two decades, and contracts on the books for state and federal water projects will then divert roughly 75 percent of the bay's freshwater flows.

How much fresh water can still be diverted and allow the bay to survive as an estuary? There is no certain answer.

But Michael Rozengurt, an oceanographer at San Francisco State University, calculates that about 50 percent of the bay's fresh water has already been diverted, rather than the 50 percent figure generally accepted by experts.

Rozengurt has studied the demise of waterways in his native Russia and Egypt's Nile River. He submits that a threshold point exists for every river system and estuary — no more than 30 percent of its water can be diverted — or fisheries and wildlife will suffer.

"Increased diversions would kill off sport fishing for striped bass and salmon," he said. "Millions of tons of ocean salt would pollute the bay, so much salt that the water would be unusable for drinking supplies and farm irrigation."

If 50 percent of the bay's freshwater flows have been diverted, then Rozengurt believes new diversions are a prescription for disaster.



R. BRUCE MacFARLANE
He said bay bass are suffering

S-157

Galilee Harbor Community
300 Napa Street
Sausalito, CA 94965
September 14, 1984

Mayor Alice Rogers and
City Council Members
City of Sausalito
420 Litho Street
Sausalito, CA 94965

Dear Mayor Rogers and Council Members:

Galilee Harbor Community Association is submitting in the attached packet materials that we initially submitted to the Bay Conservation and Development Commission or the Richardson Bay Special Area Plan Committee during their hearing processes. We trust this will be of convenience to you in your review of public comments on the Special Area Plan ("SAP").

One of our basic themes is the need to balance the SAP perspective by considering human resources on waterfronts: that there are humans for whom the waterfront is a natural context and that this is so is of benefit to the greater community, in keeping with the public trust doctrine and a fulfillment of Sausalito's General Plan goals and policies.

Because the SAP perspective omits the interaction of people and work on waterfronts, it is not consistent with Sausalito's General Plan, which <u>is</u> a commitment to an active working waterfront, one that provides maritime services within a diversified economic mix - necessary components of a full service community.

For example, considering the number of recreational boats on Bay waters, the lack of maintenance and repair facilities and the people to provide those services would have a negative impact on a great number of people.

There is a pivotal economic consideration here - to separate out lives from livelihoods is to destroy the context within which the working waterfront exists.

Therefore, we propose that Sausalito amend the SAP, or, perhaps more correctly, fulfill the Plan's intent to be an area plan for Richardson Bay.

Sausalito has developed a mechanism by which to do this - the Marinship Specific Plan. It is this Plan's intent to encourage marine oriented uses, productive uses, and preserve the existing mix of uses. Sausalito's Specific Plan, as well as its General Plan, needs to be integrated with the Richardson Bay Special Area Plan so that we can make true the SAP's words that that Plan ". . . would be internally consistent with the general plan." [of each local government].

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Respectfully submitted,
Kathleen Merrifield
By: Kathleen Merrifield

5-152

July 13, 1984

San Francisco Bay Conservation and Development Commissioners
San Francisco Bay Conservation and Development Commission
30 Van Ness Avenue
San Francisco, CA 94102

Re: Richardson Bay Special Area Plan

Dear Commissioners:

We agree with the Special Area Plan ("SAP") goals for Richardson Bay: protection of its natural resources; use of the water for water oriented uses; restoration and enhancement of degraded tidal wetlands; and provision for public access to and along its shoreline.

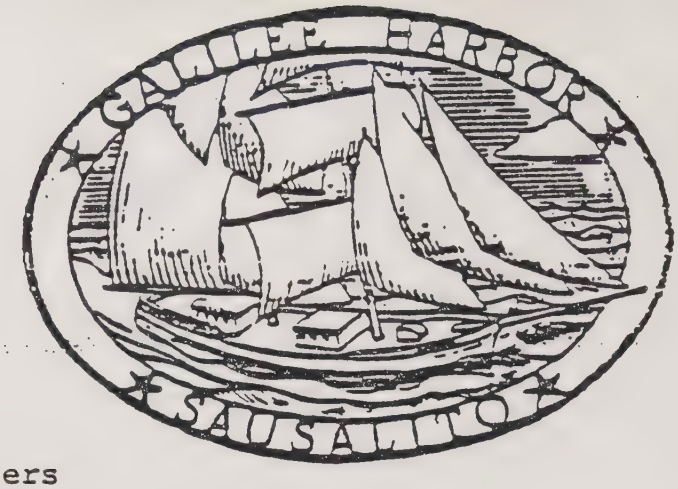
However, we think that for the SAP to be more completely a special area plan it needs to consider all components and their interrelationship within this special area. For example, the Sausalito Planning Department in its preliminary environmental review notes that Sausalito "is the most varied of the Richardson Bay communities with an active commercial and sport fishing fleet and industry and the largest number of pleasure boat marinas in San Francisco Bay. A houseboat community is also found in Sausalito along the Northern waterfront." It is a waterfront that has hosted a human habitat since the turn of the century; the SAP directs its attention to the acquatic and wildlife resources of Richardson Bay.

Galilee Harbor Community Association ("GHCA"), as part of the working waterfront community of Sausalito and the Greater Bay Area boating community, would like to point out that the SAP does not contain a human resources section in its findings and policies. We think that such an incorporation would add balance to the Report by addressing issues relevant to comprehensive Bay planning.

SC

GALILEE HARBOR COMMUNITY ASSOCIATION INC 360 NAPA ST SAUSALITO CA 94965

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Accordingly, we recommend that a human resource section be included in "Part II, Findings and Policies." This section would follow - both logically and in sequence - the discussion of "Aquatic and Wildlife Resources." "Aquatic and Wildlife" notes that the cold marine water environment is a segment in the migratory route of fish and a habitat for ocean living fish. It lists important food sources such as herring, salmon and trout as well as bait fish such as anchovy. It appreciates the Bay's value as a shelter from strong tides and winds.

For these same reasons, the Bay is an important environment for humans. Fish plus a protected Bay equals fishermen, boat repair and haulout, marine mechanics, bait barges, etc. There are humans for whom the waterfront is a natural habitat and we would ask that you consider the human niche on waterfronts.

We think it appropriate that when the SAP considers habitat disturbance, it addresses the pressure on humans whose lives are water allied. Many of the smaller houseboats and liveaboards most likely to be displaced by the SAP are peopled by a maritime work force, those who provide essential maritime skills and services to the larger community and, as such, their displacement is not simply a personal and private loss.

The SAP policies state that the open water, marshes and eelgrass beds are particularly valuable habitat and should be afforded maximum protection. We would add that fishermen, boatbuilders and other maritime crafts people also need habitat protection.

Just as the SAP appreciates that jurisdictions don't separate out but impact on one another, so human lives often don't separate out into live and livelihood, work and living space. There are those for whom the waterfront is a natural context. We recognize why the SAP directs its attention to the Bay as a recreational resource. This emphasis on Richardson Bay as a recreational resource in a populated

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urban area is an understandable perspective. And we agree that Richardson Bay is an important recreational resource, but propose that working and living perspectives are also important and can be incorporated in a way that enhances environmental quality. For Richardson Bay is not only a place to play, it is a place to live and work.

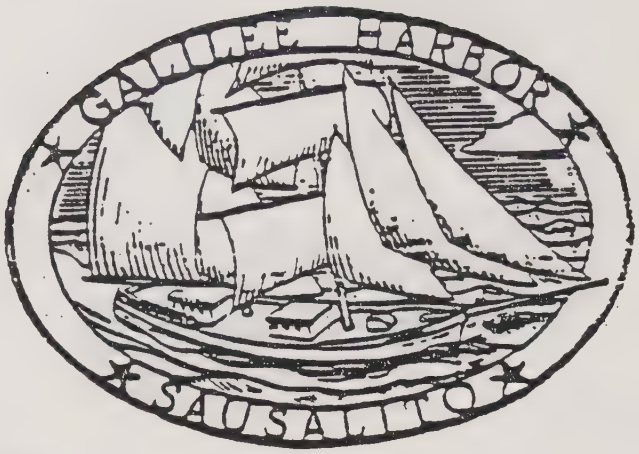
We have a real concern that the effect of the SAP will be to eliminate traditional and stable maritime communities existing usually on the smaller yachts and houseboats and peopled by those working along the waterfront as artists or artisans. This does not mean we don't share SAP concerns that escalating houseboat and mooring costs as well as design codes could mean yet more large boxlike structures on the water's edge. The proliferation of tract housing on the waterfront is as inappropriate a use of waterfronts as are office buildings.

As the Special Area Plan now reads, there is a separating out of the maritime industry from those who populate the industry and, though maritime commerce is not given major status in the Report, it is recognized as a good whereas people on the waterfront are not. We trust that a consideration of human resources would modify the SAP stance into a realization that lives and livelihoods are not necessarily separate, but rather that there are humans whose lives are a vital part of the waterfront ecosystem and that this interrelation is a fulfillment of basic trust purposes (i.e., commerce and fisheries).

Trust purposes such as public access and open space would be enhanced in an interesting way: buying fish directly from boats, watching fishermen unload the day's catch or repair nets would be a variation on the usual concept of waterfront parks. We think it would be particularly valuable for children of our urban environment to have contact with other ways of living.

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Galilee Harbor Community Association looks forward to working together with the entire Richardson Bay community on the real business at hand - cleaning the Bay and protecting its natural resources, restoring the marshes, maximizing public access and preserving the diversified, mixed use waterfront that is Sausalito.

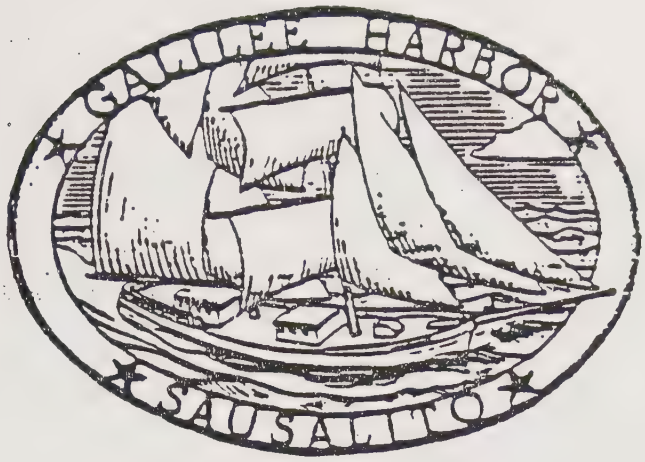
Very truly yours,

Galilee Harbor Community Association, Inc.

By Kathleen Merrifield
Kathleen Merrifield

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5-157



April 11, 1984

Dear Carol:

As you have requested, attached is a statement from The Galilee Harbor Community Association on the Richardson Bay Special Area Plan.

We appreciate your asking us for our views on this subject for we think a more satisfactory plan will result if we share our information and concerns. We also understand that you as Sausalito's representative on the SAP have a particularly weighty responsibility since so much of the planning activity would happen right here on our Sausalito waterfront. Your comments and proposals at the March 15th meeting (e.g., inclusion of GHCA as an existent community, local jurisdiction's options on alternative means of sewage disposal, such as honey buckets, and tax credit legislation for energy conservation improvements) indicated an awareness of the complexities, issues and responsibilities.

GHCA looks forward to working with you in the development of a plan consistent with such awareness.

Sincerely,

Kathleen Merrifield

Kathleen Merrifield
For The Galilee Harbor Community Associatic=

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GHCA HARBOR COMMUNITY ASSOCIATION INC 300 NAPA ST SAUSALITO CA 94965

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The Special Area Plan's goals for the Bay are commendable: protection of natural resources; use of the water for appropriate wat oriented purposes; restoration and enhancement of degraded tidal wetlands and provision of public access on and along its shoreline.

GHCA endorses the same goals. We differ in our perception of resources and in the means by which we would effect goals.

Resources. Humans are a waterfront resource and we would insert a human resource section in "Part II, Findings and Policies". This section would follow - both logically and in sequence - the discussion of "Aquatic and Wildlife Resources". "Aquatic and Wildlife" notes that the cold marine water environment is a segment in the migratory route of fish and a habitat for ocean living fish. It lists important food sources such as herring, salmon and trout as well as bait fish such as anchovy. It appreciates the Bay's value as a shelter from strong tides and winds.

For these same reasons the Bay is an important environment not only for fish and birds but also for humans. Fish plus a protected Bay equals fishermen, boat repair and haulout, marine mechanics, bait barges, etc. There are humans for whom the waterfront is a natural habitat and we would ask that you consider the human niche on waterfronts.

Sausalito Mayor Carol Peltz introduced that consideration with her amendment that the SAP include GHCA as an existing maritime community which is planning to relocate but is not a new development. The majority of GHCA's members are on the waterfront because our lives are water allied in a traditional live/work linkage.

However, there are others on the waterfront who provide similar services but are not organized into associations. Let us illustrate with an example from the planning staff memo of March 9th.

A man who has a salvage vessel states he would like to work and anchor within the present Richardson Bay special anchorage adn is told the working of salvage vessels would not be effected though the mooring of the vessel would be authorized only in a recreational marina. (see page 7.) The draft report further explains that the liveaboard situation is acceptable only if it incidental to recreational boat use. That the salvage boat operation is a work/live linkage which is beneficial to the boating public and a public trust use is an issue not addressed. The word "fishermen" could easily be substituted in this example.

We agree with the SAP that the public trust is an important public value; we are all charged with the obligations of that knowledge. GHCA would support a balance of trust uses by integrating the traditional trust purposes of commerce and fisheries into the SAP's recreational and open space concerns.

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That integration includes a consideration of the human resources. As the Special Area Plan now reads, there is a separating out of the maritime industry from those who populate the industry and, though maritime commerce is not given major status in the Report, it is recognized as a good whereas people on the waterfront are not. We trust that a consideration of human resources would modify the SAP stance into a realization that lives and livelihoods are not necessarily separate, but rather that there are humans whose lives are a vital part of the waterfront ecosystem and that this interrelation is a fulfillment of basis trust purposes (i.e., commerce and fisheries).

Trust purposes such as public access and open space would be enhanced in an interesting way: buying fish directly from boats, watching fishermen unload the day's catch or repair nets would be a variation on the usual concept of waterfront parks. We think it would be particularly valuable for children of our urban environment to have contact with other ways of living.

Maritime Industry. Marine oriented commerce is an integral part of waterfront planning. Though the SAP makes mention of commercial uses of waterfront, it does not develop its thinking as a major subdivision in "Part II. Findings and Policies" of its report. There is no statement comparable to those on public views and access in support of industries that are water dependent and perform necessary services.

Within this context, Sausalito's General Plan, as well as others of its planning documents, are particularly informative. In the Marinship, Sausalito's General Plan goals and objectives are to promote light industrial, marine oriented industries; along its central waterfront, goals are resident serving and marine oriented uses that preserve the area's waterfront character.

As a specification of its General Plan, Sausalito is presently developing a specific area plan which would encourage productive uses on its waterfront. The examples given are light industrial and commercial fishing.

Or to quote from the Sausalito Commercial Fishing Industry Update issued in January, 1983:

> "Generally the fishing industry with its support services is (sic) the characterization of the waterfront goals set forth in our general plan."

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The Special Area Plan Report is asking Sausalito to include the SAP as an amendment to its General Plan, stating that like with any other Plan amendment it would be internally consistent with the local government's general plan. We submit that in its present draft form the SAP is too skewed in favor of recreational uses of waterfronts to be internally consistent with Sausalito's general plan goals and objectives.

It is disturbing to GHCA as a part of the working waterfront, community of Sausalito and Greater Bay Area boating community that the present draft contains neither a Human Resources nor Maritime Industry section in its findings and policies. We think that such an incorporation would add balance to the report by addressing issues relevant to Bay planning.

We've referred to a skewering in favor of recreational uses of the water so that when the Report lists three "key beneficial uses" two of the uses are human water contact recreation and non contact water recreation. We think the Report needs to address the issue of disrupting people's lives to the point of eliminating their right to live in their homes. This would affect both the anchorouts and liveaboards. To say that people could continue to own their homes but in the form of luxury items, i.e., sailing cruisers, is a form of dispossession.

The SAP Report does call for accomodation of limited numbers. Again, it was Sausalito Mayor Peltz who responded to the situation by asking that "limited" be deleted. (The staff recommends against such deletion.) But even with the adjective deleted, there is the economic consideration of low/moderate income people and high priced marina berthing. We would anticipate that the limited berths would most likely go to liveaboards already in the harbor; that would most likely be the first level of scramble. (See the statement on page 19 ". . . between ten and 20 percent of Richardson Bay recreational berths are used for live-aboard boats.")

The example we used of the salvage boat operator we used in the context of maritime service; we could just as easily have used it as an example of an economic perspective that permeates the SAP Report. It is a perspective not unlike that which destroyed the traditional forest economy of 18th century England so that a newly rising class of London sportsmen could enjoy their deer hunting parties. And yet is it not that the more necessary the use, the stronger the claim of justice attached to the custom?

We have a real concern that the effect of the SAP will be to eliminate traditional and stable residential communities existing usually on the smaller yachts and houseboats and peopled by those working along the waterfront as artists or artisans. This does not mean we don't share SAP concerns that escalating houseboat and mooring costs as well as design codes could mean yet more large boxlike structures on the water's edge. The proliferation of tract housing on the waterfront is almost as inappropriate a use of waterfronts as are office buildings.

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We ask that in the human resources section we are proposing you include a humanistic level of consideration, and then let's all get to working together on the real business at hand - cleaning the Bay and restoring the marshes within the context of a diversified, mixed used waterfront.

5-162

TO: San Francisco Bay Conservation & Development Commission and Richardson Bay Special Area Planning & Advisory Committees

DATE: October 31, 1983

FROM: Galilee Harbor Community Association, Inc.
(contact person - Kathleen Merrifield, Chair Galilee Harbor)

We have read the "Staff Report on Houseboats and Liveaboards" and the "Regulations Report For Richardson Bay Special Area Plan" and have attended BCDC and Special Area Plan hearings.

First, let us commend you for recognizing the need - and acting on that recognition - that there be a unified set of planning policies for Richardson Bay. We appreciate your goals of analyzing regulatory issues in depth and addressing issues of direct relevance as you prepare a special area plan. GHCA has in mind the same goals and offers the following comments in a spirit of constructive criticism.

Sewage.

We waterside as you landside care about the Bay waters; we do want proper sewage disposal facilities. Our concern is that regulations are set up prior to the means by which we can comply with those regulations. In its discussion of enforcement techniques, overlapping jurisdictions, preemptive rights of various governmental agencies, and legal responses to potential court challenges (e.g. inverse condemnation and adverse possession) the Regulations Report emphasizes removal of houseboats from the Bay. The obviously exacerbates our concern. We propose a different emphasis: how we can best work together to clean Bay waters, fulfill public trust obligations and accomodate existing houseboats and liveaboards while protecting against proliferation.

Therefore, to the first point, we would put more emphasis on the development of mechanisms whereby we can have clean waters. We think availability of sewer hookups and pumpout stations a high priority in Bay use planning. We were disappointed to see the Regulations Report step back from a sewage hookup requirement on the basis of a possible court challenge; might this not also be stepping back from the most effective way to clean the Bay?

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We direct - or more appropriately, redirect - you to Civil Engineer William B. Kirkland's letter of August 18, 1982 (page 5) to BCDC: "What the general public hasn't realized, and officialdom hasn't dealt with, is that the Coast Guard approved heads don't work." He continues, explaining his statement, (ironically, the chemicals used are themselves pollutants) and recomments that marinas have a collection system to allow for permanent connection.

The more users, the more chances for pollution - this was a landside problem the last century and the solution was a centralized collection system. Similarly, waterside, a Bay Harbor and Sanitary District could be formed to serve the various marinas and designated anchorages.

To this end, a joint committee of ABAG and BCDC could be created to assess the feasibility of:

1) legislation to create the new district
2) establishing means for assessing marinas and anchored boats for services rendered
3) establishing specifications for the operation of both mobile and stationary pumpout facilities
4) requiring pumpouts to be placed at convenient locations and considering whether to have independent contractors operate the various pumpouts or to establish a service run by the harbor district.

The institution of the special marine sanitary district with its attendant services would go a long way to clean up the Bay and in a way that would not be disruptive to people's lives or livelihoods.

We have put some emphasis on standards for pumpout stations as we realize your caution concerning sewer hookups may prevail. A caution we have concerning a "holding tanks only" requirement is well expressed in a Bay and Delta Yatchman article, "Berthing By the Bay" (November, 1982): "There aren't many pumpout stations on the Bay and those are in scattered locations and often don't work well, if at all, and are located where boats have great difficulty getting to them." Therefore, we are hopeful that the above suggestions would alleviate the present problem.

SC

5-164

We are in agreement that a no discharge area should be established but - again a difference in emphasis - we would want a more thorough analysis of the other half of the Clean Water Act equation; that there be adequate sanitation and treatment facilities available.

Public Trust.

We recognize that this is at the heart of the matter. Or, to quote the staff report, "The major restraint on the approvability of houseboats and live-aboards is the Public Trust." More colloquially, the Channel 7 editorial (which BCDC included in its informational packet to GHCA - thank you) states that the Bay must be used for everyone's benefit, not just a few.

We agree. This relates in turn to a question BCDC asked - through the chair - at one of the public hearings: Are there any serious omissions in the Houseboat/liveaboard report?

You did not consider the working waterfront.

The public trust is traditionally defined in terms of commerce and fisheries. As you note, the courts have expanded this interpretation to include open space, public access and recreational uses. This is all to the good. We simply ask that BCDC and SAP, as public trust administrators, give comparable attention to original trust uses. Both the staff and regulations reports are now written as if people on the Bay (other than recreational boaters) were of little value and, in fact, in conflict with trust purposes.

We submit that a more complete examination of trust values would indicate a statewide benefit to there being people on the Bay. The people we are referring to are those who have traditionally lived on the waterfront because their lives are water dependent, i.e., fishermen, boatbuilders, marine mechanics, sailmakers, etc. Such people have a reason for being on the water and what they do is of benefit to the larger community.* To complete your analysis, we recommend that such lives be looked at: not all houseboaters/liveaboards commute to city jobs with lives different from others only in that they live closer to the water, and selfishly so, thereby limiting access to the greater public.

Surely, it is in the interest of the recreational boaters themselves that there be people available who provide maintenance and repair services.

5C

* We enclose for your consideration an article from Natural History, "In Search of Past Harmony: In French regional parks, human inhabitants are part of the natural landscape." Humans don't necessarily come on the natural scene as intruders and destroyers - a thought for our consideration on the waterfront as well as in parklands.

S-165

Again, we are in the realm of emphasis shift: the reports emphasize recreational use of the Bay while GHCA's reference point - with many of its members being maritime workers - is that of commerce. What place is there in this special area planninf for waterfront industries and their work force?

It would also be appropriate to consider maritime service workers under the impacts and benefits section of the BCDC staff report. As you rightfully note, Richardson Bay is experiencing an increased demand for pleasure boat marina and houseboat marina use. One impact of this increased demnad is the pressure it puts on traditional maritime industries and the people engaged in these industries.

We have a real concern that the effect of the BCDC and SAP studies will not be to achieve clean water but to rid the waterfront of its work force and other low/moderate income people who have lived for years in the smaller houseboats and vessels along Richardson Bay. To put it in a larger - or at least more philosophical - context, this rips across our sense of justice.

That maritime service workers live on their boats which are their homes is a matter of convenience - to Bay area boaters, world cruisers and fishermen - as well as to themselves. It is also a matter of economics. Most people of low and moderate income cannot afford their boats as luxury items, for weekend pleasure cruising on the Bay. The intricate web of life that is the waterfront includes marine mechanics and fishermen living on their boats - which are their homes (often self built) - in a uniting of public and private rights and desires. In such a total emergence environment, lives and livelihoods are not neatly separated.

We referred above (page 2) to the possible disruption of people's lives and livelihoods; we think that would be less likely if in this planning phase you considered both commercial uses of the waterfront and economic realities.

To the latter point, yes, vessels would continue to have value in that . . . "they could be sold to others and used for recreational navigation. (page 35, Regulations Report.) But, again, we look for balance on the waterfront - a place for active, productive work as well as recreation.

Local Planning and Initiative.

5C

In both your reports you delineate local rules and policies and obviously are atuned to the necessity of involvement on this most

immediate of levels. We, therefore, direct you to Sausalito's General Plan with its goal of an active working waterfront, a waterfront of marine-oriented and low intensity industrial land use. There is recognition of the need to protect the waterfront area and promote diversified water dependent uses.

Another relevant document is "The Sausalito Waterfront Planning Committee Report - September, 1981." The Sausalito City Council appointed citizens from all parts of town to a blue ribbon waterfront planning committee which, after spending a year considering such issues, made recommendations on how this might be approached. It is a thoughtful report produced by a community directly affected by the proposed regulations and therefore deserves your careful consideration.

We would also direct you to the "Sausalito Fishing Industry Report 1983" which concluded: "Generally the fishing industry with its support services (emphasis added) is the characterization of the waterfront goals set forth in our General Plan."

In December of 1982, the Sausalito City Council adopted a resolution establishing guidelines for issuing discretionary entitlements. The intent is to establish a specific plan for the area "east of Bridgeway" (waterfront).

Since December, 1982 Sausalito has hired both a new city manager and planning director; obviously, both pivotal positions in a town's planning. The Planning Department is being reorganized and one of the recommended advance planning task is a waterfront specific plan.

Therefore, on the local level much information of significance to Bay use planning has been and is being generated. We ask that you avail yourselves more fully of that information particularly as it relates to waterfront commerce.

We live in an area of vital possibilities. Physically distant but close in spirit is the waterfront of Portland, Maine. As it describes itself - "Portland's waterfront is a 'working waterfront'. It is a waterfront filled with economic activity that is dependent upon its location for its very existence. Displacement, dislocation, and gentrification of the traditional working waterfront would have been a tragic mistake." Such words have equal application on Richardson Bay.

5-167

Because GHCA is committed to Bay planning and development, we have submitted these comments and suggestions; we welcome the opportunity to work with you and other citizens for the most effective development of Bay uses.

cc: Sausalito City Council
Al Aramburu, Supervisor
3rd District

5C

RICHARDSON BAY SPECIAL AREA PLAN

1. Why should Sausalito join the other Richardson Bay Communities in adopting the RBSAP?

The RBSAP provides positive benefits to all the surrounding communities. These benefits can be most dramatic and most effectively implemented if all jurisdictions cooperate in planning and carrying out the plan.

The benefits include better enforcement of existing local ordinances concerning mooring and water uses, better monitoring of water quality, ability to provide vessel pump-out stations, development of transient mooring facilities and increased local control over activities in the Bay. By creating uniform enforcement and management policies throughout the Bay, it will not be possible for problems to "drift" from jurisdiction to jurisdiction, avoiding a permanent solution.

Many of the Bay's existing problems do not respect jurisdictional boundaries. Boats navigate channels in Sausalito, the County, Tiburon, Belvedere and Mill Valley. Water pollution problems, although they may originate anywhere, cause concern throughout the Bay, and floating debris may be washed up on shores far from the locale where it originated. It is very important to attack these common problems jointly.

2. But isn't this a BCDC plan? Why don't they implement it? Doesn't this increase BCDC's jurisdiction?

No, the Plan was jointly developed by a Steering Committee which included all four cities, the County, and BCDC representatives. It is primarily a local plan. In a letter written by the State Attorney General to the City of Belvedere, the following response was made to concerns over an increase in BCDC's jurisdiction:

> No. Adoption of the Special Area Plan will not change the type of projects that need BCDC permits nor would it expand the geographic area of BCDC jurisdiction. The Commission's geographic jurisdiction and the definition of "project" for permitting authority are specifically described in the McAteer-Petris Act (see Government Code Sections 66604, 66610) and further defined in the Commission's regulations (14 Cal. Admin. Code 10110 et seq.)
>
> Administrative agencies, such as BCDC, cannot adopt policies or regulations that would enlarge the scope of their jurisdiction or powers and any attempt to do so will be invalidated by a reviewing court. (Morris v. Williams (1967) 67 Cal. 2d 733, 748; Blumenfeld v. San Francisco Bay Conservation, etc. Comm. (1974) 4 Cal. Appd. 3d 50, 57.) The adoption of the Special Area Plan's findings, policies, and maps would in no way increase or change BCDC's geograpnic jurisdiction as established by the Legislature. Only the Legislature of the State of California can change the jurisdiction or power of BCDC through an amendment to the McAteer-Petris Act.
>
> The formation of a cooperative agreement to streamline implementation of the Special Area Plan's policy by the local governments involved, as is recommended on pages 58-59 of the Special Area Plan, would only relate to areas of local government concern. BCDC is not a recommended party to any such agreement and BCDC's jurisdiction would in no way be expanded to encompass areas of local authority. Moreover, it is clearly stated on page 58

In the area of funding, various ways to obtain capital equipment through grant programs and other sources are being explored. For example, the Corps of Engineers and the State Department of Boating and Waterways may have surplus boats available which would be far less expensive than a new vessel for patrol and potential fire fighting services. Additional sources of revenue may include user fees for pump-outs and transient anchorage facilities.

5. **What about the anchor-outs? Will all anchor-outs have to give up their boats immeidately and find land based housing?**

According to the Sausalito Waterfront Study, there were a total of 22 anchor-outs in Sausalito's waters (this does not include the Galilee Harbor's boats). If Sausalito so desires, this number of anchor-outs can easily be accommodated in Sausalito's existing authorized houseboat berths and within the new marinas now in the permit process. Such accommodation is in conformance with the policies of the RBSAP and merely requires that the City require the new marina developments to accommodate some of these boats.

Even if the City cannot provide for its own anchor-outs, the residents will have a period of time, (approximately one year) between adoption of the Plan and the time it is actually implemented to locate suitable berths in existing marinas. However, the boats would be competing with a number of boats in County waters for a small number of available spaces.

In addition, Sausalito is working with the Galilee Harbor Community Association and the County with the Gates Coop to accommodate existing boats. These plans are recognized by the RBSAP and would proceed. The Marinship Specific Plan, now in preparation by the City of Sausalito, will also define waterfront uses and may provide additional space for waterfront residential uses.

6. **What will happen if Sausalito does not adopt the Plan?**

First, the remaining jurisdictions, which have already adopted it, would join to implement it within their waters.

Second, Sausalito would continue to have the existing problems: violation of existing zoning and mooring ordinances, inconsistency with the public trust, and an increasing health and safety problem. It would be difficult for Sausalito to justify the continued existince of these conditions.

RICHARDSON BAY SPECIAL AREA PLAN

Issues raised at Sausalito City Council Meeting
October 16, 1984

1. Statement: "Implementation of the Special Area Plan will rob Sausalito of its diversity and make it a homogenous community."

   Response: **The Special Area Plan does not supersede, or otherwise conflict or interfere with Sausalito's General Plan. Land uses will be the exclusive responsibility of Sausalito. If regional agency approvals are required now, they will also be required under the Special Area Plan (e.g. Army Corps of Engineers, BCDC, etc.). In other words, there is no net change.**

2. Statement: "Some uses, such as residential use, are grandfathered, thus making them exempt from Special Area Plan policies and the Public Trust."

   Response: **The Berkeley Court decision of 1980, if anything, strengthens the public trust doctrine, since it ruled that even parcels in private ownership are subject to the public trust. In addition, residential use of tideland lots is not consistent with the public trust, regardless of the amount of time the user has been on the property.**

3. Statement: "The presence of anchor-outs provides additional security for houseboat and live-aboard dwellers."

   Response: **Burglaries continue to be a problem in both houseboat and recreational marinas. There has been no evidence that the presence of anchor-outs has any effect on the burglary rate.**

4. Statement: "Live-aboards will be prohibited under the Special Area Plan, even if a boat owner sleeps aboard his/her boat over the week-end."

   Response: **The Special Area Plan does not prohibit live-aboards. It does state that if a boat owner lives aboard his/her boat as a permanent residence, then the boat must either be attached to shore-side sewage facilities or have a Class 3 holding tank that is capable of being pumped out. In the case of occasional use, there is no prohibition whatsoever.**

5. Statement: "Galilee Harbor residents will find themselves separated as they are assigned berths on different piers and/or marinas."

   Response: **Galilee was mentioned in the Special Area Plan in order to establish it as a distinct and collective entity. In all previous discussions and meetings, this point has been made repeatedly. The misunderstanding has probably arisen because of the statements made in the Special Area Plan regarding the potential relocation of anchor-outs to the existing and planned marinas. Since Sausalito has only 22 anchor-outs (at last count), there is a definite possibility of relocating these residents to approved marinas.**

6. Statement: "Under the proposed joint powers agreement, Sausalito will only get 20% of the vote."

Response: No decisions have been made about how votes will be allocated in a joint powers agreement. There will be ample opportunity for each city council to discuss any draft agreements and to make decisions about how an agreement should be structured. One possibility for assuring maximum local control would be veto power for a jurisdiction over any proposed action exclusively with its jurisdiction.

7. Statement: "Transient vessels and fishing boats will not be allowed to anchor in Richardson Bay after the Plan is adopted."

Response: An anchorage for transient vessels and the fishing fleet is proposed as one of the implementation measures to be undertaken jointly by the four cities and the County. The anchorage area would be designated and marked and would be managed by a harbor master employed by a joint powers agency.

8. Statement: "There are no sewage pumpout facilities in Richardson Bay. How can a discharge zone be established without adequate facilities?"

Response: There are two pumpouts in Richardson Bay now, one at Pelican Yacht Harbor and one at Sausalito Yacht Harbor. When developments at Marina Plaza and the Kappas Small Boat Harbor are complete, there will be a pumpout at each of those marinas as well. In addition, the recently approved Zakessian and Schoonmaker Marinas will have pumpout facilities. In no discharge areas at Newport Beach and San Diego Harbors, there are a comparable number of pumpout stations for many more boats than there are in Richardson Bay.

9. Statement: "How do we know the County is going to pay a major portion of the implementation costs?"

Response: Because close to $300,000 is already in the approved budget. This amount includes funding for abatement, sheriff's patrol, sheriff's boat maintenance, and other related costs. In addition, the Board of Supervisors has approved of every phase of the Richardson Bay Special Area Plan by a 5-0 vote. The County will continue to work with Sausalito to develop and refine costs estimates for plan implementation.

10. Statement: "What if Sausalito accepts all plan policies except for the issue of anchor-outs?"

Response: Since residential use of the bay is inconsistent with the public trust, with the local zoning, and with health and welfare regulations, it is hard to understand how the findings can be made to allow such an use. Additionally, Sausalito currently has an ordinance prohibiting boats from mooring on city waters without a permit.

11. Statement: "What if Sausalito does nothing?"

Response: As stated in the preceding text, doing nothing constitutes a tacit approval of an illegal use. What is to prevent a proliferation of this use? Another complication arises because the other cities and the county have approved the plan and could therefore proceed with their implementation. This would leave Sausalito in the

posititon of being of a haven for illegal uses. One can argue that it is better to be in the process and have something to say about it than to be outside the process with no input.

If one were to develop a "balance sheet" of the pros and cons for Sausalito, of adopting the plan, it might look like this:

Pros	Cons
1. Coordinated approach with other jurisdictions to deal with common problems and carry out existing laws and policies.	1. Perceived loss of local control.
2. Ability to obtain funding for improved public access, boat ramps, moorings, pumpout stations, and other amenities.	2. No improvements or costs to Sausalito for any improvements.
3. Improved water quality in Richardson Bay.	3. Situation continuing as it is at present.
4. Improved water-based fire and police service.	4. Service levels as they are now unless provided by Sausalito without contributions from other jurisdictions.
5. Improved channel markings.	5. No improved channel markings.

Prepared by Supervisor Al Aramburu and Marin County Planning Department staff.

Jessica Green
22 South 40 Pier
Sausalito, CA 95965

October 18, 1984

Dear Sausalito City Council Members,

I am a resident of South 40 Pier, Waldo Point Harbor. I live at the end of the dock and am greatly affected by the anchor-out situation. In the county water directly in front of me - where my "view" is supposed to be - there are vessels that anchor with no regulation, that would not pass any marine or land inspection. They are improperly moored and with no insurance if they should smash into my houseboat in a storm. As they dump directly into the bay, I am greeted with human feces floating by. There are an average of two dogs on every anchor-out boat which awaken me barking and litter our dock as soon as they reach the shore. This is a very unsanitary situation.

I would come to the meeting when you vote on the Special Area Plan and be outspoken, but like many of my neighbors, I am intimidated by the vandalism which may be done to my property, as was before. So I urge you by this letter to pass the Special Area Plan.

Sincerely,
Jessica Green

CITY OF SAUSALITO
420 LITHO STREET • P.O. BOX 127
SAUSALITO • CALIFORNIA 94966

October 26, 1984

Jeffrey Blanchfield
BCDC
30 Van Ness Avenue
San Francisco, CA

Dear Jeff:

The Sausalito City Council concluded their public hearing on the Richardson Bay Special Area Plan on October 22nd and voted unanimously to adopt Parts I and II as amended, subject to development of a mutually acceptable enforcement and implementation program. In keeping with Sausalito policy, a resolution is being prepared incorporating the Council's expressed concerns, including reference to the following issues:

1. Removal of reference to pump-out of graywater in the chapter entitled "Water Quality."

2. That with respect to systems for the disposal of sewage, mention be made in the text of the possiblity of using floating pump-out facilities ("honey barges") if such systems can be demonstrated to be feasible, reliable and able to meet standards satisfactory to the Regional Water Quality Control Board and the Marin County Department of Environmental Health.

3. Addition of an annotation in the appendix which is to be added to the Plan calling for the institution of a system for monitoring all sources of Bay pollution, including urban runoff.

4. That the chapter entitled "Residential Vessels and Floating Structures" provide that persons anchored-out for other than public trust uses be given 36 months to relocate to a shoreside marina.

5. That the Richardson Bay Special Area Plan reflect the support of the City of Sausalito for the relocation of the existing Galilee Harbor community into a marina within the City's boundaries in accordance with the stipulated judgment signed by the community.

6. That the Plan also reflect that the City of Sausalito will assist the 22 anchor-outs now located within City boundaries to relocate to marinas on an informal and best-effort basis.

7. That the Plan document emphasize, in the "Residential Vessels and Floating Structures" chapter, that vessel sewage pumpout stations will be instituted in

MANAGER CITY CLERK FIRE PUBLIC PLANNING POLICE

all marinas at the marina owner's expense, for either no charge or a nominal charge to users, and that the signatories to the Plan will pursue obtaining a tax advantage for the provision of such facilities by marina owners.

8. That the chapter entitled "Public Access, Views and Vistas" be amended to remove the specific reference to the Schoonmaker property in Sausalito from policy No. 3 on page 31.

9. That the appendix to be added to the plan reflect that appropriate changes will be made to the maps which are a part of the Plan in the event the City of Sausalito makes any changes in its zoning code with respect to liveaboards.

A copy of the formal resolution will be forwarded to BCDC and all other study participants immediately following its consideration by the City Council at their meeting of November 8, 1984.

We would appreciate your bringing the above points to the attention of all Commissioners when the Plan is again on the BCDC agenda at the November 1st meeting.

Sincerely,

Michael Fuson
City Manager

cc: Supervisor Al Aramburu
Belvedere City Council
Mill Valley City Council
Tiburon Town Council
Marin County Planning Department
Mayor and Councilmembers, Sausalito

ENVIRONMENTAL DOCUMENTS

INITIAL STUDY

ROUTE TO:

( ) Planning Dept.
( ) Parks, Rec., Open Space
( ) Public Works
( ) Environmental Health
( ) Other_____
Return by: _____ (date)

Marin County
Environmental Coordination and Review

I. PROJECT DESCRIPTION

A. Project Name: RICHARDSON BAY SPECIAL AREA PLAN

B. Type of Application: PUBLIC POLICY PLAN

C. Assessor's Parcel No: NA

D. Existing Zoning: VARIED CWP Desig.: BAYFRONT CONSERVATION

E. Description: PUBLIC POLICY PLAN TO PROVIDE UNIFORM STANDARDS AND POLICIES B
MARIN COUNTY AND THE CITIES OF SAUSALITO, MILL VALLEY, TIBURON AND BELVEDER
FOR MANAGEMENT OF RICHARDSON BAY.

F. Location: SOUTHERN MARIN COUNTY

G. Environmental Setting: WATERS OF RICHARDSON BAY AND PERIPHERAL BAYFRONT LA

H. Other agencies which require approval: BAY CONSERVATION & DEVELOPMENT COMMISS
TIBURON, BELVEDERE, MILL VALLEY & SAUSALITO.

I. Applicant's Name: MARIN COUNTY PLANNING DEPARTMENT Phone: (415) 49
Address: CIVIC CENTER, ROOM 308, SAN RAFAEL, CALIFORNIA, 94903

J. Initiated by: PAUL LORD Date: JUNE 7,
Department/Agency: MARIN COUNTY PLANNING DEPARTMENT

I. EVALUATION OF ENVIRONMENTAL IMPACTS: Please check the box indicated wherein proposed project will have or potentially have a significant adverse impact on the environm either individually or cumulatively with other projects. All phases of project plan implementation and operation must be considered. All items checked must be discuss noted in Section III.

Yes	???	No	
			A. Geophysical Factors: Will the project or its related activities result in:
( )	( )	(X)	1. Change in topography or unstable soil conditions due to excavating, grad filling?
( )	( )	(X)	2. The destruction, covering or modification of any unusual or unique geolo physical features?
( )	( )	(X)	3. Any changes in wind or water erosion of soils or sands or any erosion may modify the channel of a waterway or other body of water?
( )	( )	(X)	4. Exposure of people or property to geologic hazards such as earthq tsunami; landslides, mudslides, ground failure or similar hazards?
			B. Biotic Community Factors: Will the project or its related activities result i
( )	( )	(X)	1. Changes in the number or diversity of any plant or animal species or alt or deterioration of their habitats?
( )	( )	(X)	2. Introduction of new plant or animal species into an area, or a barrier to spread or migration of any plant or animal species?
( )	( )	(X)	3. Reduction of the number of any rare or endangered plant or animal spe
( )	( )	(X)	4. Reduction in acreage of any agricultural crop or other agricultural act
( )	( )	(X)	5. Increase in the danger of fire hazard in areas with flammable grass, trees?
			C. Hydrologic and Watershed Factors: Will the project or its related activit in:
( )	( )	(X)	1. Changes in the course or direction of water movements or contigu either marine or fresh waters?
( )	( )	(X)	2. Changes in percolation, run-off or drainage patterns including gro supply and recharge in the watershed?
( )	( )	(X)	3. Exposure of people or property to flood hazard?
( )	( )	(X)	4. Generation of pollutants (human wastes, toxic wastes, fertilizers oxygen, etc.) which would affect the water quality of surface or waters in the watershed?
( )	( )	(X)	5. Effect the quantity or quality of private or public water supplies?
			D. Airshed Factors: Will the project or its related activities result in:
( )	( )	(X)	1. Generating pollutants (hydrocarbon, thermal, order, dust, smoke etc.) which would deteriorate ambient air quality?
( )	( )	(X)	2. Alteration of air movement, moisture, or temperature, or an climate locally or regionally?

??? No I. Transportation/Circulation Factors: Will the project or its related activiti result in:

) ( ) (xx) 1. Alterations to present patterns of circulation or movement of people and goods?

) ( ) (xx) 2. Alteration of the level of service of streets and highways?

) ( ) (xx) 3. Substantial impact on existing or proposed public transit systems inclu waterborne, rail and air traffic?

) ( ) (xx) 4. Effects on existing parking facilities or demand for new parking not provi for by the project?

) ( ) (xx) 5. Increase traffic hazards to motor vehicles, bicyclists, pedestrian or o traffic?

J. Public Service Factor: Will the project or its related activities have an ef upon or result in a need for new or altered governmental services in any o following areas?

) ( ) (xx) 1. Fire protection?

) ( ) (xx) 2. Police protection?

) ( ) (xx) 3. Schools?

( ) ( ) (xx) 4. Parks and Recreation facilities?

( ) ( ) (xx) 5. Maintenance of public facilities, including roads, canals, etc.?

( ) ( ) (xx) 6. Other governmental services:

K. Public Utility Factors: Will the project or its related activities have an eff or result in a need for new systems or substantial alterations to the fo utilities:

( ) ( ) (xx) 1. Sewer or septic systems?

( ) ( ) (xx) 2. Water for domestic use and fire protection?

( ) ( ) (xx) 3. Natural gas or electricity?

( ) ( ) (xx) 4. Storm water drainage?

( ) ( ) (xx) 5. Solid waste disposal?

( ) ( ) (xx) 6. Communication systems?

( ) ( ) (xx) 7. Plant facilities for any of the above (sewer plants, microwave statio tanks, etc.)?

Yes	???	No	
)	( )	(x)	3. Exposure of people or property to wind hazards?

E. General and Specific Plan Factors: Will the project or its related activities b inconsistent with:

)	( )	(x)	1. CWP, City of Community Plan policies or land use designations?
)	( )	(x)	2. CWP population growth rates for its planning area in conjunction with oth recently approved developments?
)	( )	(x)	3. CWP policies for housing or low, moderate and middle income housing mix?
)	( )	( )	4. Other: _____ specify

F. Community/Cultural Factors: Will the project or its related activities:

( )	( )	(xx)	1. Result in a substantial conflict with the established character, aesthetic functioning of the surrounding community?
( )	( )	(xx)	2. Be a part of a larger project involving a series of cumulative actions?
( )	(xx)	( )	3. Involve historical buildings, natural or cultural features which are unique?
( )	( )	(xx)	4. Affect an area of archaeological, paleontologic, or other historic importan
( )	( )	(xx)	5. Affect an officially designated scenic vista-point, scenic highway or co or other unique aesthetic value?
( )	( )	(xx)	6. Affect an important existing or potential community recreation area?
( )	( )	(xx)	7. Affect lands preserved under an agricultural, scenic, or open space contra easement?
( )	( )	(xx)	8. Present a hazard to people or property from risk of explosion or relea hazardous substances either on site or in transit in the event of accide otherwise?
( )	( )	(x)	9. Result in increases in existing ambient or single event noise levels?
( )	( )	(x)	10. Result in significant new light or glare impacts on the site or surro area?
(x)	( )	( )	11. Result in displacement of people or business activity?
(x)	( )	( )	12. Be expected to generate public controversy?

G. Natural Resources: Will the project or its related activities:

( )	( )	(x)	1. Affect the use, extraction or conservation of any natural resource?
( )	( )	(x)	2. Use substantial amounts of fuel or energy to require the development sources of energy?

H. Economic Factors:

( )	( )	(x)	Will the project or its related activities require expenditure of public excess of public revenues generated by the project?

ANDATORY FINDINGS OF SIGNIFICANCE: Pursuant to Section 15382 of the State EIR uidelines, a project shall be found to have a significant effect on the environment if any of the ollowing are true:

???	No		
( )	(X)	1.	The project has the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.
( )	(X)	2.	The project has the potential to achieve short-term to the disadvantage of long-term environmental goals.
( )	(X)	3.	The project has possible environmental effects which are individually limited but cumulatively considerable. (Cumulatively considerable means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other curren projects, and the effects of probable future projects).
( )	(X)	4.	The environmental effects of a project will cause substantial adverse effect on human beings, either directly or indirectly.

SIGNIFICANT IMPACTS AND FEASIBLE MITIGATION MEASURES: All Significant or potential significant impacts indicated in Section II above should be described and feasible mitigati measures recommended wherever possible. Any participant of the initial study may also make recommendation as to whether a Negative Declaration, a Negative Declaration with mitigati measures, more study in a particular area or an EIR should be prepared. Please indicate any sour data relied upon and your name and date of comments in the space indicated. Use additional pa if necessary.

SEE FOLLOWING PAGE

Reviewed by [signature], on 6/8/84 (date), Dept. Planning

Reviewed by Carol Williams, on 6/11/84 (date), Dept. PLANNING

Reviewed by _____, on _____ (date), Dept. _____

Returned to initiating department _____ (date), rec'd by _____

DETERMINATION: (to be completed by the Environmental Coordinator) Pursuant to Secti
15081 and 15070 of the State Guidelines and the Initial Study evaluation:

( ) 1. I find that the proposed project will not have a significant effect on
environment, and a NEGATIVE DECLARATION will be prepared.

(✓) 2. I find that although the proposed project could have a significant effect o
environment, there will not be a significant effect in this case becaus
mitigation measures described in Exhibit "A" attached have been added t
project. A NEGATIVE DECLARATION will be prepared.

( ) 3. I find that the proposed project may have a significant effect o
environment and an ENVIRONMENTAL IMPACT REPORT is required.

Environmental Coordinator

Date

F. 3 & 11. Adoption of the Richardson Bay Specific Plan would eliminate current prac
"anchor outs", i.e., houseboats and other floating vessels. Such vessels and craft w
required to relocate to established recreational or floating home marinas. Given the
and other environmental degradation to Richardson Bay which such houseboats and vess

F. 12. Proposed Richardson Bay Special Area Plan controversial in nature. Although
hearing process will not necessarily eliminate controversy, it will provide the miti
means which will guide decision-makers in a final determination on the Plan itself.

NOTE: A number of potential issues could have been checked on this Initial Study to
sent possible beneficial impacts which the Richardson Bay Special Area Plan is
cally intended to foster and promulgate.

6. NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT
RICHARDSON BAY SPECIAL AREA PLAN

Hearing to consider the adoption of the proposed Richardson Bay Special Area Plan, which consists of a study on the water and shore line areas of Richardson Bay and develop policies for the future management of the Bay and its shoreline. The Richardson Bay Planning Area consists generally of the water area of Richardson Bay and the shoreline 100 feet inland from the high tide line. These areas include the County and Belvedere, Sausalito, Tiburon and Mill Valley municipal jurisdictions. Prior to the above described hearing the Planning Commission will hold a public hearing on a proposal to adopt a Negative Declaration of Environmental Impact.

Carol Williams, Policy and Program Planner, presented the staff report followed by Commission discussion of policies in the Richardson Bay Special Area Plan.

The hearing was opened to public discussion.

Jean Starkweather, Marin Conservation League, supported the policy of a no-discharge zone in the bay and policies which maintain the protection of water quality, wildlife and recreation benefit for people. She urged adoption of the Richardson Bay Special Area Plan.

Joyce Rifkind, board member of the Environmental Forum, stated that at their March 6th meeting they endorsed the concept of the Richardson Bay Special Area Plan. The Board supports the interjurisdictional plan which addresses the problems of pollution, sedimentation, diminshing wildlife habitat and nonconforming living units. The Board urges the uniform policy and regulatory control of this important natural resources and urge the adoption of the Plan.

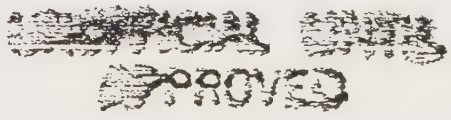
Manette Radford submitted photos of anchor-out boats in the bay. She is concerned about their impact on the bay and urged adoption of the Richardson Bay Special Area Plan.

Stephen A. Fraser, Attorney representing residents of B and C Docks, addressed the concerns about anchor-outs. He requested that on page 27, footnote #2 be delete because the Gates Co-op is not an expansion of the existing Waldo-Point Harbor floating home marina.

Sue Beittel, League of Women Voters, submitted a written statement urging support for a sewage no-discharge zone and for inclusion of a prohibition of graywater discharge. The league urged adoption of the Plan.

Dana More, a resident of the Strawberry Lagoon, was concerned that the Plan states that the SaltWorks Canal is navigable and does not need to be dredged. He stated that much of the time the canal is not navigable and the plan as it is written will prevent any possiblity of dredging. He requested that the wording be clarified.

Jim McGinnis stated that the Plan indicates that at the present time the canal is navigable; from his experience the canal is not navigable 79% of the time and his boat with a 2.4 inch draft often has trouble navigating the canal unless the tide table is greater than three feet.



M. Kaboudvan, a boat owner in the Strawberry Cove area, was concerned about the navigablity of the SaltWorks Canal and confirmed that the amount of time available for leaving the canal is diminishing yearly.

Paul Guttman, also stated that the SaltWorks Canal is not navigable for large periods of time. Further, he was concerned that the storm drains are carrying a great deal of dirt/silt from projects under construction off Tiburon and that the floating algae mat in the summer is a possible environmental health problem.

Barbara Salzman, Marin Audubon Society, submitted a letter from the National Audubon Society, urging that the protection of wildlife habitat be a major concern of the Plan. She commended the BCDC and County staffs for the work on the Richardson Bay Special Area Plan and support that was given to protection of water quality and wildlife. They support the plan and feel it will have only positive impacts on the bay and the public trust lands. She urged approval of the Negative Declaration and the adoption of this Plan.

Jane A. Piereth, resident of Waldo Point Harbor, Director of Sailing Programs for the environmental group of the Oceanic Society, and a Petty Officer for the Coast Guard Reserves, stated that enforcement of MSD laws are of low priority for the Coasta Guard. She further addressed the issue of anchorouts and the problems they have created in increasing numbers, pollution and hazards to navigation of small boats and low-cost water sport activities. The central enforcement unit proposed by the Plan provides the only way to deal with many of Richardson's Bay problems, such as thievery, anchorouts and pollution. She urged adoption of the Plan.

Gregory Andrew, Marin Conservation Corps, supports the Plan and recommended that specific wording be included requiring monitoring programs to study the aquatic resources, ie., fish, wildlife and aquatic grasses.

Sharon McNamee, representing the Strawberry Recreation District, supports adoption of the Plan because of the District's concerns about the environment and the protection of the public recreation areas that front on the bay. Further, she urged that the EPA be petitioned to make the Richardson Bay a no-discharge zone. She stated that the Recreation District is one of the agencies which has adopted the Plan.

Gerald Borkenhagen supports the Plan and request that footnote 2 be deleted from page 27.

David Johnson, resident of South 40 Dock, Waldo Point Harbor, urged adoption of the Plan.

Allison Thompson, member of the advisory committee for the anchor-outs, stated that the problem of sewage in the bay is caused by inadequate sewage facilities on land and that before the bay can become a no-discharge zone it must be proven there are adequate pump-out facilities on Richardson Bay. The Sausalito Planning Commission has rejected the Negative Declaration accompanying the plan due to inappropriate "checks" on the checklist. Sausalito has continued the hearing process on the Plan to September 5 and are expecting a report on the Negative Declaration and discussion of human resource and how dislocation of individuals will be handled if the Plan is adopted.

Clayton Smith, urged adoption of the Plan with specific reservations due to his concern about the displacement of the anchor-outs and the impact this could have on the floating home marina of Waldo Point Harbor. He feels that the Plan has allowed a loop-hole in terms of the anchor-out problem by reference of footnote 2 on page 27.

Georgina Ritchie supports the Plan and feels it will be difficult to enforce sewage hook-ups. She suggested that an outside mediator be hired to be responsible for enforcement of sewage hook-up.

John Roemer supports the Richardson Bay Special Area Plan but wants the deletion of footnote 2 on page 27.

Judith Bang is against the Plan because it is a development management plan. She reviewed the Negative Declaration and stated "J and K" should have been marked "yes."

Elsa Gruber supports the Plan.

The hearing was closed to public testimony.

The Commission discussed the issues of concern and requested the following:

1. Dredging and Spoils Disposal, pages 22-23, Finding No. 6., Saltworks Canal, wording is to be clarified that dredging is not precluded.

2. Statement of purpose to be included that clarifies that the Richardson Bay Special Area Plan is encouraging the policies of increasing open waters.

3. The Department of Fish and Game is to be contacted by letter requesting that they expand the monitoring of the aquatic resources of Richardson Bay, ie., eel grass.

4. Residential Vessels and Floating Structures, Policies - page 27, Footnote 2, staff is requested to clarify the wording of Gates Co-op in relation to using the remainder of BCDC's Waldo Point Harbor permits.

5. An addendum is to be incorporated into the plan which will include responses to comments, corrections or justifications, definition of transient boats, letters and an explanation of findings for the Negative Declaration of Environmental Impact.

H. Eric Borgwardt, Environmental Coordinator, stated in response to social and economic issues which were addressed at this hearing that Section 15.131 of the CEQA Guidelines states that social and economic information may or may not be included in an EIR at the discretion of an agency. Many of these issues have been addressed in detail within the documentation prepared as background for the Richardson Bay Special Area Plan. These issues become discretionary ones based upon comment and review received from the public or considered important by the deciding body. Regarding the Negative Declaration if an issue is checked "yes" significant mitigation measures have to be advanced regarding the concerns. If it is checked "no" this indicates it does not represent a significant adverse impact which cannot be mitigated.

M/s-McClellan-Evans: Move to approve the Negative Declaration of Environmental impact for the Richardson Bay Special Area Plan.

The motion carried unanimously. (Commissioners Friedman and McOuat were absent.)

M/s-McClellan-Evans: Move to adopt Resolution 3182 recommending that the Board of Supervisors adopt the findings and policies and the plan maps of the Richardson Bay Special Area as an area plan which is part of the Marin Countywide Plan. Also, an appendix to the plan should be prepared which includes minutes of the Planning Commission and answers to questions raised in the meeting. As well as, minutes and correspondence from other jurisdictions holding hearings on the plan.

The motion carried unanimously. (Commissioners Friedman and McOuat were absent.)

OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET
SACRAMENTO, CA 95814

July 13, 1984

(916/445-0613)

Mr. H. Eric Borgwardt
Marin County Planning Department
Room 308, Civic Center
San Rafael, CA 94903

Subject: SCH# 84061211, Richardson Bay Special Area Plan

Dear Mr. Borgwardt:

The State Clearinghouse submitted the above named environmental document to selected state agencies for review. The review period is closed and none of the state agencies have comments.

This letter certifies only that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act (EIR Guidelines, Section 15205). Where applicable, this should not be construed as a waiver of any jurisdictional authority or title interests of the State of California.

The project may still require approval from state agencies with permit authority or jurisdiction by law. If so, the state agencies will have to use the environmental document in their decision-making. Please contact them immediately after the document is finalized with a copy of the final document, the Notice of Determination, adopted mitigation measures, and any statements of overriding considerations.

Once the document is adopted (Negative Declaration) or certified (final EIR) and if a decision is made to approve the project, a Notice of Determination must be filed with the County Clerk. If the project requires discretionary approval from any state agency, the Notice of Determination must also be filed with the Secretary for Resources (EIR Guidelines, Section 15094(b)).

Sincerely,

John Ohanian

John B. Ohanian
Chief Deputy Director

CITY OF SAUSALITO COMPONENT
OF THE
RICHARDSON BAY SPECIAL AREA PLAN

PRELIMINARY ENVIRONMENTAL REVIEW
AND INITIAL STUDY

SAUSALITO PLANNING DEPARTMENT

JULY, 1984

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PART I: INTRODUCTION

Richardson Bay in southern Marin County is an important part of the San Francisco Bay system. Five local governments have jurisdiction over the water body and its shoreline: Marin County and the cities of Sausalito, Mill Valley, Tiburon, and Belvedere, as does the state San Francisco Bay Conservation and Development Commission. Richardson Bay is experiencing an increased demand for pleasure boat marina development and houseboat use. In addition, many vessels and structures used primarily as residences are anchored or moored offshore in the Bay. Recognizing the need for a unified set of planning policies and regulatory controls by the local governments and the Bay Commission, the agencies agreed to jointly prepare a plan which would recommend such unified policies and regulations to be adopted by the participating agencies.

The local governments and the Bay Commission appointed a Steering Committee composed of one member of the Marin County Board of Supervisors; one member each from the city councils of Sausalito, Mill Valley, Tiburon, and Belvedere; and three members of the San Francisco Bay Conservation and Development Commission, to guide preparation of a recommended plan.

The planning process conducted by the Steering Committee involved the preparation and tentative adoption of five planning background reports: (1) Status of Shoreline and Water Use of Richardson Bay; (2) Water Quality Issues in Richardson Bay; (3) Sediment Hydraulics of Richardson Bay; (4) Aquatic and Wildlife Resources of Richardson Bay; and (5) Regulations Report for Richardson Bay Special Area Plan. The reports were first reviewed by a

50-person Advisory Committee and were then transmitted to the Steering Committee with the Advisory Committee's comments and recommendations. These reports provided the information and environmental analysis needed to prepare the findings and policies of the recommended Special Area Plan, as well as allow opportunity for the public involvement in discussions of the Advisory Committee and hearings of the Steering Committee. The Advisory Committee held four meetings to discuss the reports, the Steering Committee held nine public hearings on the background reports. In addition, the Steering Committee held three hearings to consider the Draft Richardson Bay Special Area Plan before it unanimously adopted the Plan.

The primary responsibility for carrying out the Special Area Plan rests with local government. The purpose of the Richardson Bay Special Area Plan is to recommend to each participating agency uniform policies and regulations for adoption as the agency's specific policy for Richardson Bay.

This environmental evaluation is a preliminary review and analysis and initial study of the environmental effects of the Special Area Plan, the project, on the Sausalito area of Richardson Bay. The document consists of five sections, Part I, the Introduction, provides background and describes the need for the project. Part II describes Sausalito's jurisdiction over Richardson Bay and the immediate shoreline and the planning and regulatory controls carried out by the City over this area. Part III is a description of the project — the part of the Special Area Plan that effects Sausalito and the location of the project. The Environmental Setting is described in Part IV and Part V sets out the environmental effects of the project.

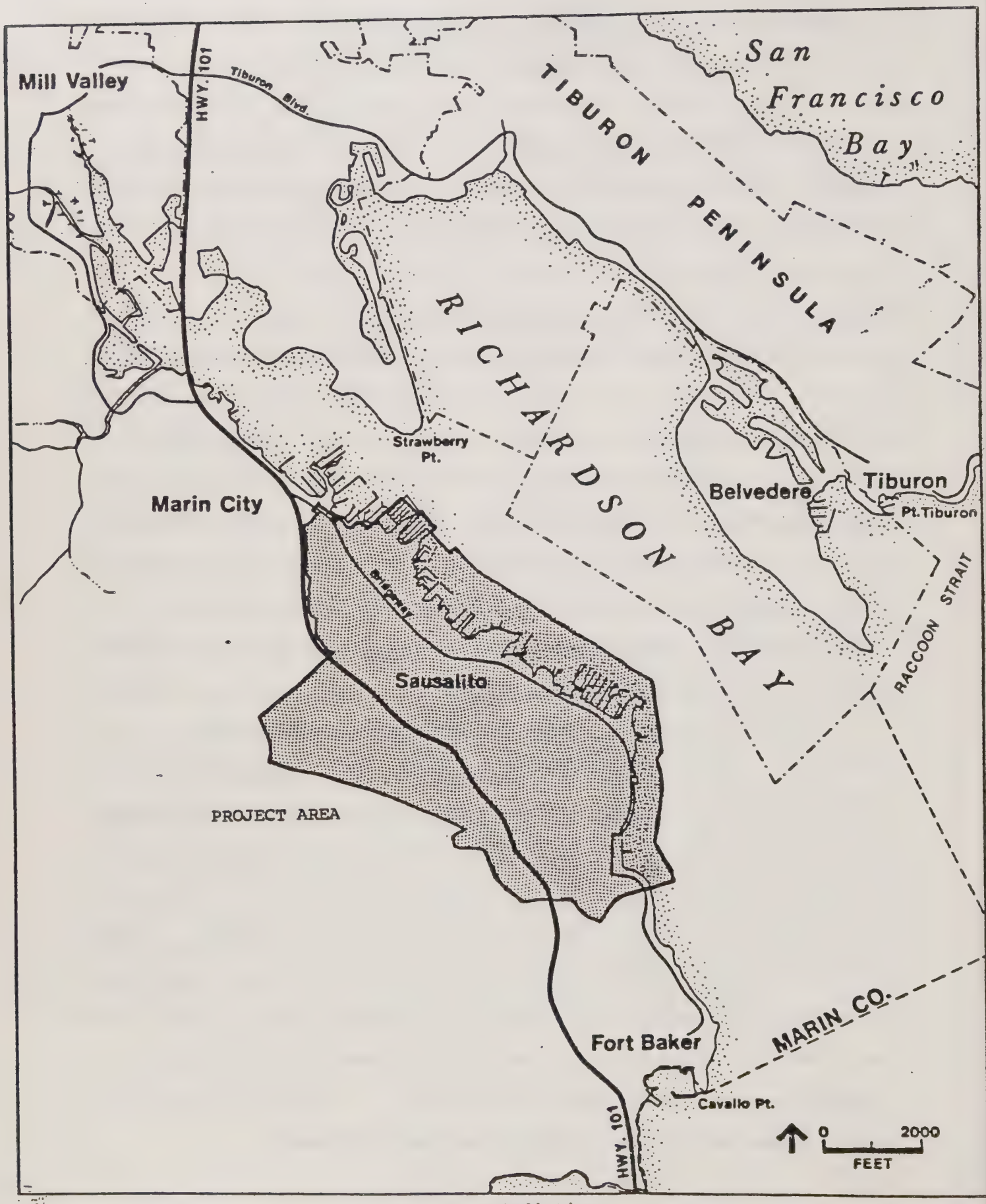
PART II- SAUSALITO JURISDICTION

This section describes the area and character of Richardson Bay and immediate shoreline over which the City of Sausalito has jurisdiction and the planning and regulatory controls the City exercises over that area.

Area of Jurisdiction and Water and Shoreline Character

Sausalito is located on the western side of Richardson Bay and extends from Fort Baker, part of the Golden Gate National Recreational Area, almost to the Richardson Bay Bridge (see Figure 1, Sausalito Jurisdiction, page 4). Sausalito is the most varied of the Richardson Bay communities with an active commercial and sport fishing fleet and industry and the largest number of pleasure boat marinas in San Francisco Bay. A houseboat community is also found in Sausalito on the northern waterfront. Sausalito is both an established settled community like its Richardson Bay neighboring cities, and a city undergoing waterfront land use change.

From Fort Baker north, Sausalito's shoreline is predominantly residential. The downtown waterfront commercial development with its shops restaurants, and public walkways affords magnificant views of San Francisco Bay, Richardson Bay, and the San Francisco skyline. The Sausalito waterfront is a major Richardson Bay tourist attraction. Further up the shoreline are the recreational boating marinas with inland commercial development. Walkways have been developed along the waterfront in this area offering views of the berthed boats, the water, and the Belvedere shoreline beyond. At the northern end of the City is the Marinship area, site of former World War II ship construction yards, which today is a mix of uses: warehouses, offices, boat supply, commercial fishing facilities, and moored houseboats.



Sausalito Jurisdiction

FIGURE 1

Within San Francisco Bay, Richardson Bay is home to the largest number of recreational boat marinas, houseboat marinas, and vessels used for residences. The reasons for the popularity of Richardson Bay for recreational boating and floating residences is both geographic and historic. Central San Francisco Bay, roughly from the Richmond-San Rafael Bridge on the north to the San Francisco-San Mateo County line on the south, is by far the most active recreational sail boating area of the Bay. This is the area of deep water and strong on-shore winds coming through the Golden Gate off the Pacific Ocean. Richardson Bay is protected from the strong winds, has deep water along portions of the Sausalito, Tiburon, and Belvedere shoreline, and is immediately adjacent to the optimum central Bay sailing areas. Thus, Richardson Bay is an excellent site for recreational boating marinas.

Berths for 2,082 recreation boats exist or have been authorized at eight marinas in Richardson Bay. By far the majority of the berths are located in Sausalito -- 1,656 berths. The Sausalito marinas include: (a) Sausalito Yacht Harbor, 616 berths; (b) Pelican Yacht Harbor, 90 berths; (c) Clipper Yacht Harbor, 750 berths; (d) Marina Plaza, 100 berths, and (e) Jerry's Yacht Harbor, 100 berths.

Houseboats and other vessels used as permanent residences are very much a part of Richardson Bay life. These floating homes are located in permitted houseboat marinas, grouped together in unauthorized sites along the Sausalito/Marin County shore, and anchored out individually in the middle of Richardson Bay. In addition, a number of recreational boats berthed in recreational boat marinas are used as residences as well as pleasure craft.

Historically, houseboats have not been connected to sewers, and wastes have been discharged directly into the Bay. To rectify this situation, permits were issued to the then existing houseboat communities in Marin County in 1971 and 1973 to legalize their existence and require them to hook up to a shoreline sewage treatment system. Today four houseboat marinas are permitted in Richardson Bay, four within the jurisdiction of Marin County and one in Sausalito. The Marin County marinas include: (a) Waldo Point Harbor/Gate 5, 245 houseboat berths; (b) Yellow Ferry Harbor, 22 houseboat berths; (c) Gate 6/Gate 6-1/2, 117 houseboat berths; and (d) Commodore Harbor, 11 houseboat berths. All of the houseboat marinas except Commodore Harbor were permitted in 1971, Commodore Harbor was permitted in 1973. These permitted berths were to accommodate houseboats that existed at the site or were within Richardson Bay at the time the permits were issued. Since that time, numerous other houseboats have located, unauthorized in this area of Richardson Bay.

In 1976, as part of Sausalito Yacht Harbor's expansion to accommodate new recreational boats, the nine houseboats that existed in the harbor at that time were permitted, conditioned on hooking up to the City of Sausalito's sanitary sewage treatment system. In 1978, as part of the Sausalito General Plan Waterfront Amendment Study, a small existing houseboat community was legalized by Sausalito by creation of a Houseboat District at Varda Landing. However, many unauthorized houseboats and vessels used as a permanent residences continue to be are distributed along the Sausalito/Marin County shoreline or anchored out in Richardson Bay within Marin County and Sausalito's jurisdiction. Residential use of these floating structures and vessels is not a permitted use under Sausalito plans, policies, and zoning regulations. The Galilee Harbor Community Association, representing

approximately 40 unauthorized residential structures and vessels is negotiating with the City of Sausalito and private property owners in an attempt to develop relocation options either as a community or on an individual basis.

Another class of anchor-outs are the fishing boats that either anchor off Sausalito's central and southern waterfront or tie up along the privately owned South Pier during the fishing season. These anchor-outs are primarily seasonal. Visiting yachts also anchor-out in the Bay or tie up at yacht clubs and marinas.

General Plan and Zoning

1. Sausalito General Plan. For the purpose of this environmental analysis, Sausalito's waterfront can be divided into three areas: the southern area from the south city limits up to the central commercial area (see Map A-1, page 10); the middle area from the central commercial area through the central waterfront area to Napa Street (see Map A-2, page 11); and the northern area from Napa Street north to the city limits.

The southern area is designated by the General Plan for medium high intensity residential use with some neighborhood commercial use. The middle area is designated for downtown commercial and recreational harbor use. The northern area is designated commercial industrial and water-oriented uses.

Open space exists along much of the shoreline: at Valley Street, from Main Street to Princess Street, at Gahuelson Park, at Dunphy Park and at Marinship Park. All of these areas are on the water with the exception of Marinship Park which is behind the Army Corps of Engineers disposal site.

Areas designated for waterfront commercial use are intended for marine-related uses such as boats, boat services and repair, and commercial fishing facilities.

Industrial designated areas lying inland of waterfront designated areas would include low-intensity clean industries, offices, and arts and crafts workshops.

The plan policies also provide that public access for pedestrians and bicyclists should be provided along most of the waterfront.

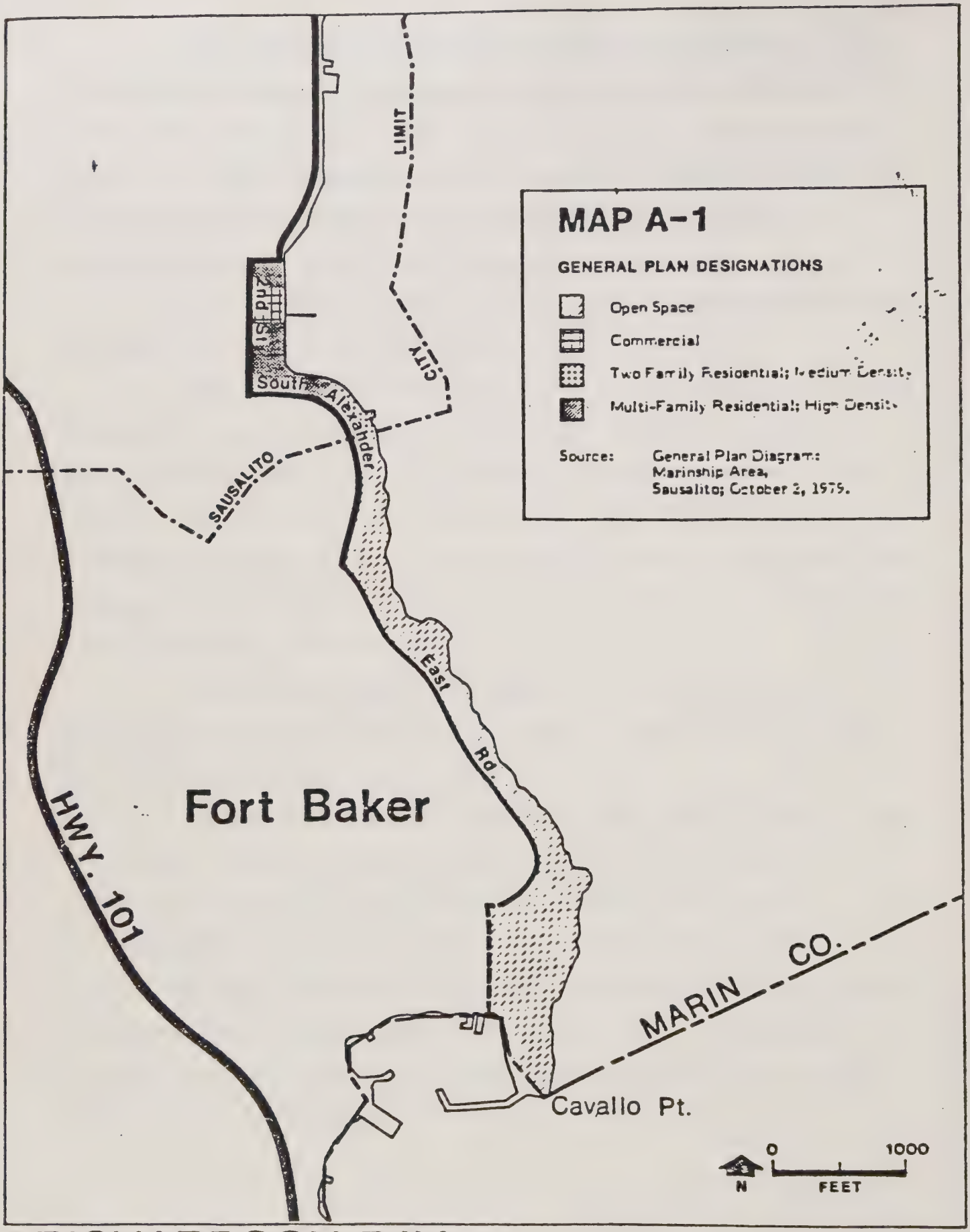
2. Zoning. Corresponding to the General Plan, the Sausalito Municipal Code zones the southern part of the shoreline for two-family and multiple family use and a small portion for neighorhood commercial use (see Map B-1, page 12). The water area is designated an Open Area (OA) District. The purpose of the OA District is to ensure retention of water and shoreline areas in water-oriented activities. Boating, fishing, swimming, park and other such uses are permitted in this District.

The shoreline north of the downtown area is zoned Waterfront Commercial (CW) District, Waterfront (W) District, Industrial (I) District, and Houseboat (H) District (see Map B-2, page 13).

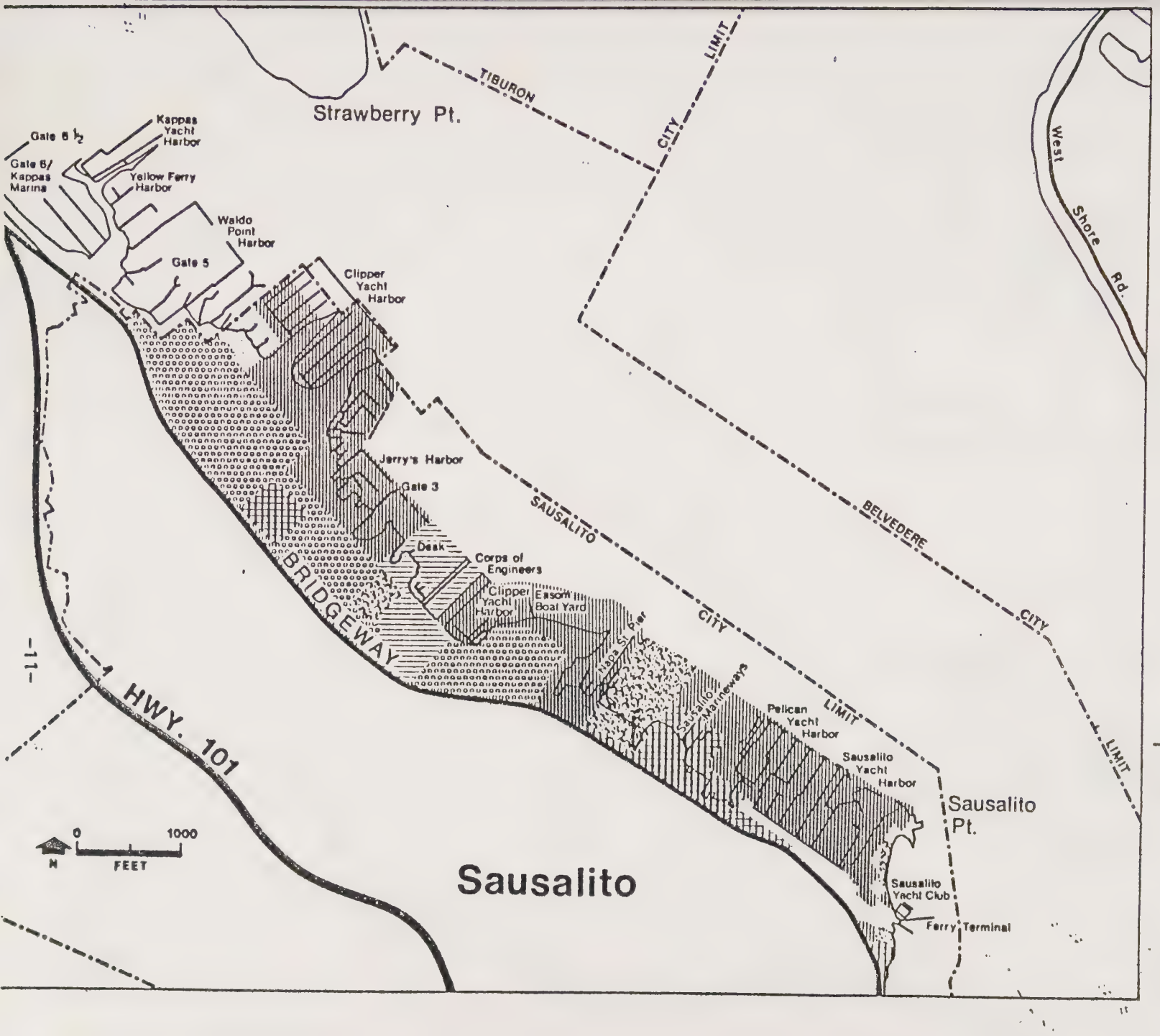
The Waterfront Commercial District permits commercial uses oriented to the water. Such uses include restaurants, boat sales and repair, commercial fishing facilities, and offices. Marine-oriented uses are permitted within the Waterfront District and include such uses as boat building and sales, marine supply and sales, and commercial and sport fishing facilities. The Industrial District, designed for clean low-intensity industrial uses and offices, also allows marine uses such as boat sales and commercial fishing facilities.

The Houseboat District is intended to provide a suitable environment for a low density houseboat community. This is the only zoning district in Sausalito in which houseboats are allowed. All approved houseboats are required to be provided with a city-approved sewer connection.

The Sausalito Municipal Code also prohibits the berthing or mooring of any boat in waters owned by the City for more than 48 hours without written consent of the City.



RICHARDSON BAY
SPECIAL AREA PLAN



GENERAL PLAN DESIGNATIONS

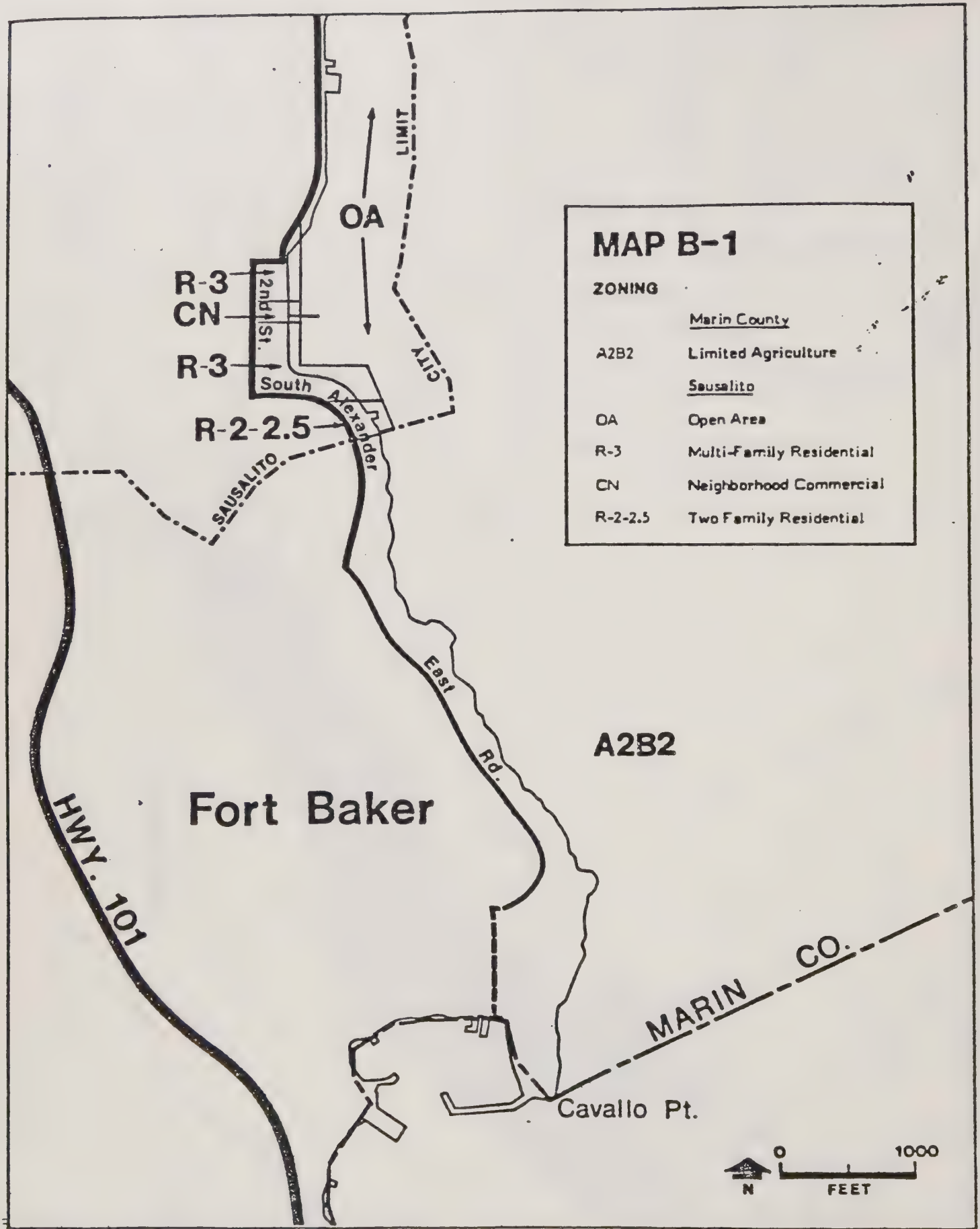
- Federal Property
- Waterfront
- Commercial
- Industrial
- Houseboat/Low Density
- Public Park

Source: General Plan Diagram: Marinship Area, Sausalito; October 10, 197[illegible]

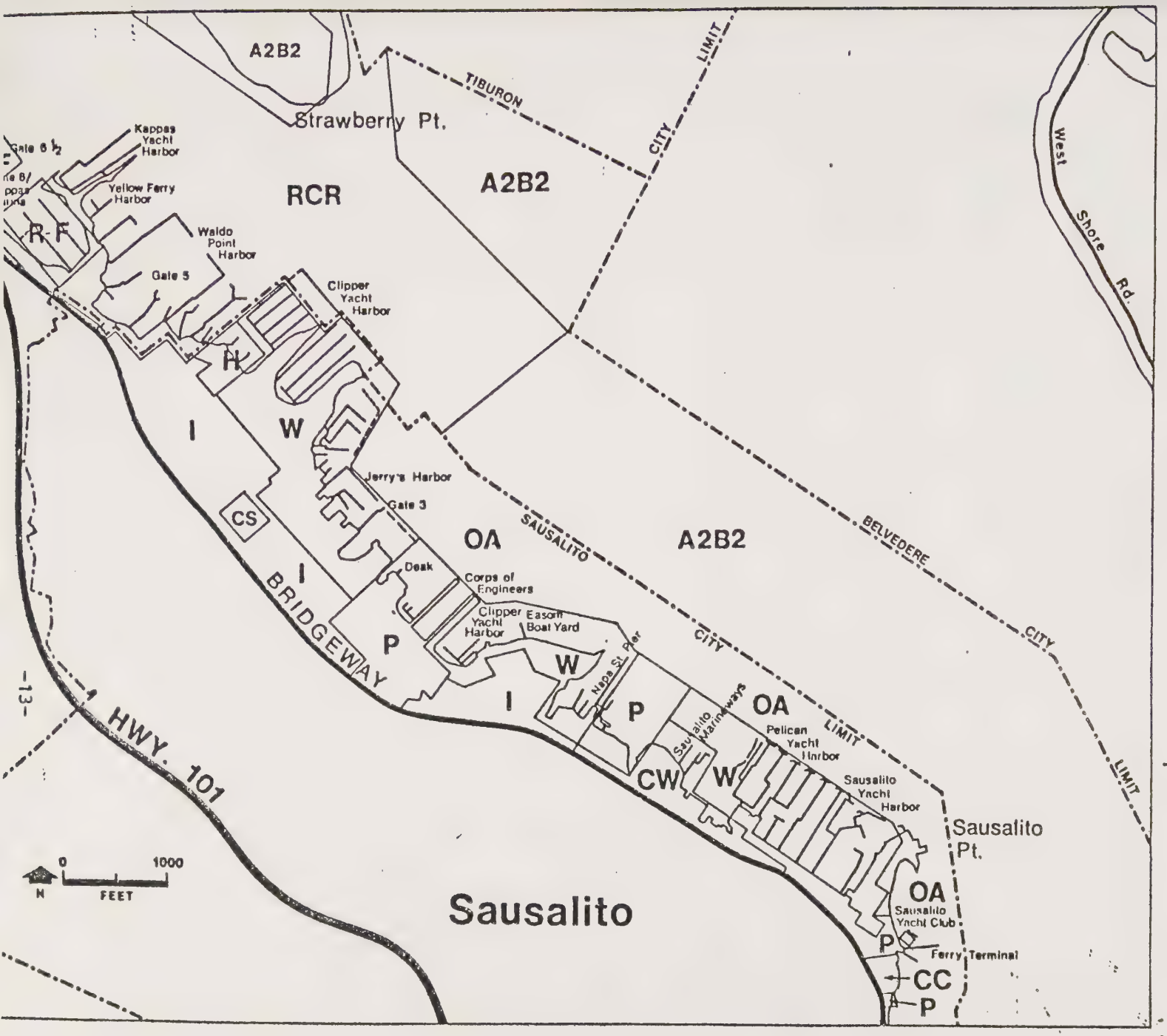
MAP A-2

General Plan Designations

RICHARDSON BA[illegible]
SPECIAL AREA PLAN



RICHARDSON BAY
SPECIAL AREA PLAN



-13-

ZONING

	Marin County
R-F	Floating Home Marina
RCR	Resort and Commercial Recreational
A2B2	Limited Agriculture

	Sausalito
H	Houseboat
OA	Open Area
W	Waterfront
P	Public
I	Industrial
CC	Central Commercial
CW	Waterfront Commercial
CS	Shopping Center

MAP B-2

Zoning

RICHARDSON BAY SPECIAL AREA PLAN

PART III: PROJECT DESCRIPTION

The project is that portion of Part I Findings and Policies and Part II, Special Area Plan Maps that would apply to the City of Sausalito. The Richardson Bay Special Area Plan is an area plan for Richardson Bay as such inter jurisdictional planning is provided for in Section 65600-65604 of the California Government Code. Area plans allow specific, local application of jurisdictionwide policies. The Richardson Special Area Bay Plan, if adopted, would become part of the General Plan for Sausalito to be read in conjunction with the General Plan for the Richardson Bay area of the City. The Special Area Plan would apply to all the water area of Richardson Bay within the City and the first 100 feet inland from the shoreline. However, policies for the protection of views and vistas of Richardson Bay from inland sites as well as preparation of soil erosion prevention ordinances would apply to areas inland of the 100-foot shoreline area.

PART IV: ENVIRONMENTAL SETTING

Richardson Bay and the immediate upland area include a variety of aquatic and terrestrial habitats. This part will briefly describe these habitat types and the vegetation commonly found in those areas. The aquatic and terrestrial habitats can be generally classified as: water areas, shoreline areas, marshes, and upland habitat.

Water Areas

The waters of Richardson Bay encompass three distinct water environments. The first includes the marine dominated open water area which is similar in salinity level and temperature to the Pacific Ocean. The second water environment is the estuarine open water area which exhibits the characteristics of most of the waters of the San Francisco Bay system. The other water environment includes the subtidal channels and basins.

1. Marine Environment. The deep water portions of San Francisco Bay closest to the Golden Gate are directly influenced by the waters of the Pacific Ocean and are considered marine environments. This marine environment extends into Richardson Bay approximately to a line drawn between Sausalito Point and Belvedere Point. This habitat is characterized by deep cold water and fairly constant water temperature, salinity level, and dissolved oxygen level. This area, because of its openness to winds and seas coming through the Golden Gate and lack of land mass shelter as found in the upper part of Richardson Bay, is subject to heavy wave action and strong currents.

Plant life includes typical marine vegetation such as seaweed (Fucus, Gigartina sp.) and kelp (Egregia menziessi). Planktonic diatoms and other microscopic algae are also present near the surface where sunlight penetrates.

The Richardson Bay marine environment is important for migrating fish such as salmon and steelhead because it is within the main migration route of these fishes.

2. Estuarine Environment. An estuary is a water environment where the salt water of the ocean meets and mixes with freshwater flowing from upland streams and rivers. The majority of the waters of Richardson Bay are classified as an estuarine environment. These waters are protected from the heavy wave action, swell, and currents of the ocean. Estuaries provide a rich habitat for plant and animal life. Because of the shallowness and lack of strong tidal flushing in Richardson Bay, salinity level and gradient fluctuate with the depth of water (generally colder ocean water moves inland along the Bay bottom and the warmer freshwater flows seaward on the top) and with seasonal freshwater outflows. There is generally a greater amount of dissolved oxygen in the water in areas that are subject to greater wave action. In more sheltered areas, areas close to shore or areas where large numbers of boats are moored closely together, there is less dissolved oxygen in the water.

Different from the marine habitat area, the estuarine habitat increases and decreases in size with the daily ebb and flow of the tide. As the high tide recedes and exposes the large Richardson Bay mud flats, waterfowl and the smaller fish that inhabit the shallow water areas move offshore and the shorebirds that feed in the mud flats move in to replace them until the next high tide.

Vegetation within this area includes microscopic plants such as planktonic algae and other algas, and benthic diatoms. In addition to these plants which occupy an important niche in the Bay ecological system as a food source for minute animals and such filter feeding animals as clams and mussels, is eelgrass (Zostera marina). Eelgrass beds provide food and shelter for a variety of organisms. Spawning fish, particularly herring in Richardson Bay, attach their eggs to the leaves. Further, a variety of algas live on leaf surfaces, which are periodically eaten by snails and slugs (gastropods). Generally, the main contribution of eelgrass to the aquatic ecological system is the production of detritus as the plant decomposes. Detritus is a food source of small animals such as shrimp and clams.

3. Subtidal Channels and Basins. In the shallow mud flat and tidal marsh areas are a network of naturally scoured channels and dredged channels that remain covered by water at low tide. These channels and basins are located mostly at the upper end of Richardson Bay. Temperature and salinity of the water at low tide varies with the size of the channel or basin and seasonal freshwater outflow from streams and drainage ditches. An increase in the tidal prism in shallow areas of Richardson Bay (in general, tidal prism refers to the mass of water that is swept into and out of San Francisco Bay under the tidal impulse, more precisely the volumes between low and high water) leads to natural tidal scouring and the creation of subtidal channels. In upper Richardson Bay, this phenomenon can be readily seen in south and north Bothin Marshes that have been recently restored to tidal action.

Vegetation in the subtidal channels and basins include bethnic microalgae and plankton. Invertebrates also tend to concentrate in this limited habitat area at low tides and, because of this concentration, the subtidal channels become a particularly important foraging area for shorebirds.

Shoreline Areas

For the purposes of this report, shoreline areas include the edges of Richardson Bay that are exposed to the Bay waters part of every day. These habitat areas include: rocky shore, sandy-pebble beach, mud flats, and artifical structures.

1. Rocky Shore. There are two types of rocky shore habitats with similar habitat properties -- natural rocky shore and placed riprap. Natural rocky shores occur along the Marin Headlands from the vicinity of Yellow Bluff into Sausalito, along the southeast and northwest shore of Belvedere, the shoreline of Corinthian Island, the southwest and southeast shore of Silva Island, and the rocky shoreline off Greenwood Beach Road.

Riprap shoreline occurs along Richardson Bay where pieces of rock or concrete have been placed to protect the shoreline from wave erosion. These areas include the Sausalito shoreline along Bridgeway and at Sausalito Point, the west shoreline of Tiburon along the Richardson Bay linear park, along the shoreline fronting San Rafael Avenue in Belvedere, and along the shoreline fronting Paradise Drive in Tiburon immediately east of the downtown area. Over time, riprap acquires habitat properties similar to the natural rocky shore.

In the rocky shore habitat, algae attaches to the rocks and benthnic and planktonic diatoms are also present. Invertebrates such as crabs and starfish are found along the marine influenced shores; in the estuarine areas barnacles, oysters, and bay mussels seek protection among the rocks. The fine material behind the riprap or trapped in pockets of the natural rocky areas provide cover for burrowing invertebrates.

2. Sandy-Pebble Beach. There are few sandy-pebble beaches in Richardson Bay but some occur along the Tiburon and Belvedere shorelines and in small coves at various points along the Sausalito shoreline. This habitat is characterized by mixtures of sand, shells, and small rocks mixed with Bay mud. The sandy shore shifts and moves with the tide and does not present a stable habitat area. Therefore, the habitat is generally limited to invertebrates that can burrow into the deeper, firmer substrate. Vegetation is limited to microscopic algae and diatoms that adapt to a moving substrate.

3. Mud Flats. Most of upper Richardson Bay and the middle shorelines consist of mud flats that are exposed frequently through daily tidal fluctuations. Sediments washed into San Francisco Bay, filling, and shoaling account for the extensive mud flats in the San Francisco Bay system and Richardson Bay. Mud flats, which consist of fine silty materials, are extensive in the upper reaches of Richardson Bay covering approximately 550 acres. This habitat type overlaps with the estuarine water and subtidal channel and basin habitats.

Mud flats are an extremely rich habitat providing an environment for abundant animal life that feeds upon materials brought in by the tide or upon organic detritus from the tidal marshes. The mud flats are particularly important to shorebirds. It has been estimated that as many as 70 percent of the shorebirds of the Pacific Flyway might be eliminated if the mud flats of San Francisco Bay were destroyed.

Vegetation found in mud flats include microscopic algae and diatoms and summer mats of sea lettuce and Enteromorpha. These mats result in part from the warm mud flat temperature and high nutrient load. Bacteria in the mud flats play a very important role in ecological system of the Bay in that they assimilate and breakdown secondary organic wastes.

4. Artifical Structures. Structures in the water such as piers, boats, pilings, bulkheads, and floats are a type of habitat that can provide attachment surfaces for plants and animals. Those portions of structures that are always submerged such as the bottom of piers and floats, have similar habitat characteristics. Treatment of the structures to retard deterioration by coating with anti-fouling chemicals and paints can render these structures useless as habitat. Where there are no toxic coatings, artificial structures can support algae and invertebrates.

Marshes

The existing marshes of Richardson Bay are remnants of the more extensive areas that existed about 100 years ago, although there were fewer marshes than found in other areas of the Bay. This is due to the physical geography of the area; the extensive areas of steep rocky shoreline and relatively smaller areas of flat shoreline.

According to maps of historic marshes prepared by Nichols and Wright, marshes were located around the Flea Market Marsh/Pond, in the Bothin Marsh area around Coyote Creek, in the area of Mill Valley on both sides of the Northwest Pacific Railroad right-of-way, along the route of the Redwood Highway to Goodman Marsh, in the area around the Strawberry Point School, and in the area which is now Belvedere Lagoon. Two types of marshes exist in Richardson Bay: tidal or salt marshes, and diked former tidal marshes.

1. Tidal Marshes. Salt marshes are known to be one of the most productive vegetative communities and habitat areas of the world. They are a major source of detritus, an important food source in the Bay ecological

system. Moreover, they provide shelter for many invertebrates and shorebirds. They have other values as well, from the production of oxygen to cleansing polluted Bay waters.

The tidal marshes remaining in Richardson Bay are small in size, vestiges of the larger marsh areas that once existed. All exhibit typical zonation of plants corresponding to depth and duration of tidal submergence. The lowest zone is occupied by cordgrass (Spartina foliosa). Pickleweed (Salicornia viginica) populates the upper tidal limits. On the upper margins, salt grass (Disticlis spicata) and Grindelia are common.

Most marine life in San Francisco Bay and Richardson Bay depends directly on these marshes for sustentance or indirectly upon them by feeding on other marine life so nourished.

2. Diked Marshes. Diked marshes are former tidal marshes which are blocked from regular tidal action. In some situations a tide gate can be opened to let in tidal waters; in others, Bay water is received only at extremely high tides or by seepage. Often freshwater from seasonal runoff is held in the diked marshes creating a brackish water (very low salinity) marsh environment.

There are four diked marsh areas around Richardson Bay: the Flea Market Pond in Marin City, the Coyote Creek marsh remnant adjacent to Coyote Creek and Highway 1 at the Tamalpais Junction area, the Middle School Marsh in Mill Valley, and the marsh remnant near Greenwood Cove at the base of the Strawberry Peninsula.

These diked areas are capable of being reestablished as tidal marshes given adequate tidal inundation and circulation. Some diked marshes currently exhibit some of the tidal marsh plants listed above, mainly salt grass and pickleweed. In addition, brackish water plants are also found in these areas, including salt marsh bulrush (Carex robustus).

Upland Habitat

The dry upland areas immediately adjacent to Richardson Bay often contain important wildlife habitat. However, much of the upland area has been developed for urban uses and can be considered of ineligible habitat value. Other undeveloped areas are generally either levees or filled land. The soils in these areas are poor and thus support only hardy weeds and shrubs such as toyon, coyote brush, scrub acacia, toyon, and anise (fennel). Toyon and coyote brush, however, can be important as roosting and feeding areas for upland birds.

This habitat is important because it provides a visual buffer area for wildlife, particularly shorebirds, and insulates the water areas from upland urban activities. In addition, the upland area provides a shelter and foraging area for Bay-oriented wildlife, again particularly shorebirds, during periods of very high tides. The upland areas also provide opportunities for public access to marshes and open water areas.

PART V: ENVIRONMENTAL EFFECTS OF THE PROJECT

The environmental effects of Sausalito's component of the Richardson Bay Special Area Plan are contained in the following two sections -- the Initial Study of Environmental Impacts and Compatibility with the existing Sausalito General Plan, zoning, and other land and water use regulatory controls.

The Initial Study contains a checklist wherein the project's potential impact upon the environment is judged. This document concludes that the project is a further specification of Sausalito's General Plan policies and land and water use regulatory controls and will have no significant adverse environmental impact if approved. No mitigation in addition to that incorporated into the project is deemed necessary.

Initial Study

Following is the environmental checklist and evaluation of potential environmental impact:

ENVIRONMENTAL CHECKLIST FORM

Environmental Checklist Form
(To Be Completed By Lead Agency)

I. Background

1. Name of Proponent City of Sausalito

2. Address and Phone Number of Proponent City of Sausalito Planning Department, 420 Litho Street, Sausalito, California 94965 (415)332-2782

3. Date of Checklist Submission July 2, 1984

4. Agency Requiring Checklist City of Saualito

5. Name of Proposal, if applicable Richardson Bay Special Area Plan

II. Environmental Impacts

(Explanations of all "yes" and "maybe" answers are required on attached sheets.)

	YES	MAYBE	NO
1. Earth. Will the proposal result in:			
a. Unstable earth conditions or in changes in geologic substructures?	___	___	✓
b. Disruptions, displacements, compaction or overcovering of the soil?	___	___	✓
c. Change in topography or ground surface relief features?	___	___	✓
d. The destruction, covering or modification of any unique geologic or physical features?	___	___	✓
e. Any increase in wind or water erosion of soils, either on or off the site?	___	___	✓
f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?	___	___	✓

	YES	MAYBE	NO
g. Exposure of people or property to geological hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?	___	___	✓
2. Air. Will the proposal result in:			
a. Substantial air emissions or deterioration of ambient air quality?	___	___	✓
b. The creation of objectionable odors?	___	___	✓
c. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	___	___	✓
3. Water. Will the proposal result in:			
a. Changes in currents, or the course or direction of water movements, in either marine or fresh waters?	___	___	✓
b. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	___	___	✓
c. Alterations to the course of flow of flood waters?	___	___	✓
d. Change in the amount of surface water in any water body?	___	___	✓
e. Discharge into surface waters or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	___	✓	___ ?
f. Alteration of the direction or rate of flow of ground waters?	___	___	✓
g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	___	___	✓
h. Substantial reduction in the amount of water otherwise available for public water supplies?	___	___	✓
i. Exposure of people or property to water related hazards such as flooding or tidal waves?	___	___	✓

	YES	MAYBE	NO
4. Plant Life. Will the proposal result in:			
a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?	____	____	✓
b. Reduction of the numbers of any unique, rare or endangered species of plants?	____	____	✓
c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	____	____	✓
d. Reduction in acreage of any agricultural crop?	____	____	✓
5. Animal Life. Will the proposal result in:			
a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, or insects)?	____	____	✓
b. Reduction of the numbers of any unique, rare or endangered species of animals?	____	____	✓
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	____	____	✓
d. Deterioration to existing fish or wildlife habitat?	____	____	✓
6. Noise. Will the proposal result in:			✓
a. Increases in existing noise levels?	____	____	
b. Exposure of people to severe noise levels?	____	____	✓
7. Light and Glare. Will the proposal produce new light or glare?	____	____	✓
8. Land Use. Will the proposal result in a substantial alteration of the present or planned land use of an area?	____	____	✓

	YES	MAYBE	NO
9. Natural Resources. Will the proposal result in:			
a. Increase in the rate of use of any natural resources?	___	___	✓
b. Substantial depletion of any non-renewable natural resource?	___	___	✓
10. Risk of Upset. Does the proposal involve a risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?	___	___	✓
11. Population. Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?	___	✓	___
12. Housing. Will the proposal affect existing housing, or create a demand for additional housing?	___	✓	___
13. Transportation/Circulation. Will the proposal result in:			
a. Generation of substantial additional vehicular movement?	___	___	✓
b. Effects on existing parking facilities, or demand for new parking?	___	✓	___
c. Substantial impact upon existing transportation systems?	___	___	✓
d. Alterations to present patterns of circulation or movement of people and/or goods?	___	___	✓
e. Alterations to waterborne, rail or air traffic?	___	___	✓
f. Increase in traffic hazardous to motor vehicles, bicyclists or pedestrians?	___	___	✓
14. Public Services. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:	___	✓	___

	YES	MAYBE	NO
a. Fire protection?	____	✓	____
b. Police protection?	____	✓	____
c. Schools?	____	✓	____
d. Parks or other recreational facilities?	____	____	✓
e. Maintenance of public facilities, including roads?	____	____	✓
f. Other governmental services?	____	✓	____
15. Energy. Will the proposal result in:			
a. Use of substantial amounts of fuel or energy?	____	____	✓
b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?	____	____	✓
16. Utilities. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:			
a. Power or natural gas?	____	____	✓
b. Communications systems?	____	____	✓
c. Water?	____	____	✓
d. Sewer or septic tanks?	____	____	✓
e. Storm water drainage?	____	____	✓
f. Solid waste and disposal?	____	____	✓
17. Human Health. Will the proposal result in:			
a. Creation of any health hazard or potential health hazard (excluding mental health)?	____	____	✓
b. Exposure of people to potential health hazards?	____	____	✓
18. Aesthetics. Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	____	____	✓

	YES	MAYBE	NO
19. Recreation. Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?	____	____	✓
20. Archeological/Historical. Will the proposal result in an alteration of a significant archeological or historical site, structure, object or building?	____	____	✓
21. Mandatory Findings of Significance.			
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	____	____	✓
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief definitive period of time while long-term impacts will endure well into the future.)	____	____	✓
c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)	____	____	✓
d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	____	____	✓

III. Discussion of Environmental Evaluation

IV. Determination
(To be completed by the Lead Agency)

On the basis of this initial evaluation:

☑ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.

☐ I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

_____ _____

Date Signature

For _____

(Note: This is only a suggested form. Public agencies are free to devise their own format for initial studies.)

Discussion of Environmental Evaluation

1. Item 3. e. Some houseboats and live-aboards, some of which are anchored out, discharge sewage and graywater into Richardson Bay. The Richardson Bay Special Area Plan Water Quality Policy 8 states "there should be no discharge of sewage into Richardson Bay and existing discharges should be eliminated." Policy 9 states that all "houseboats which have sewage and graywater, producing facilities on-board should be equipped with and use a system that connects the facilities to a shoreside sewage treatment facility." However, because the federal government preempts local agencies in the field of vessel regulation, live-aboard vessels would not be required to discharge the sewage into a shoreside sewage treatment facility or pumpout station until the federal Environmental Protection Agency (EPA) declares Richardson Bay a vessel sewage no discharge area, as is proposed in Policy 8. Even if the EPA declares Richardson Bay a no discharge area, the Special Area Plan policies would allow graywater from live-aboards to be discharged into the Bay water, but Policy 11 would require the Marin County Department of Environmental Health and the San Francisco Bay Regional Water Quality Control Board to "continually monitor the water quality in marinas in which live-aboards discharge graywater and at least every two years report whether the graywater is polluting the marinas." If it is determined that pollution is occuring, the graywater would have to be contained and either discharged into a shoreside sewage treatment system or emptied at a pumpout station.

The effect of the Water Quality policies on the environment of Richardson Bay would be to improve the water quality over the existing quality of water particularly in areas of minimal tidal flushing in close proximity to unsewered houseboats and live-aboards. Although graywater discharge from live-aboards would be authorized, the effect of graywater on the quality of

water would be monitored and if it was determined by the appropriate water quality and human health agencies that the graywater polluted the Bay, graywater abatement programs would be placed into effect.

2. Item II. 11 and 12. At present, there are a number of unauthorized floating structures used for residential purposes (i.e, houseboats) and vessels used primarily for residential purposes (i.e, live-aboards) located at Galilee Harbor and offshore of the Marinship area of Sausalito. In addition, there are a considerably larger number of unauthorized houseboats and live-aboards anchored or moored offshore adjacent to the Marinship area in the jurisdiction of Marin County. The unauthorized residential structures and vessels in Sausalito include approximately 150 water dwelling units and approximately 240 people (Earth Metrics, Inc., December, 1983).

The Richardson Bay Special Area Plan element on Residential Vessels and Floating Structures, Policy 1, states that "vessels and floating structures used for residential purposes... should be allowed only in recreational or houseboat marina berths...and that all anchor-outs should be removed from Richardson Bay." Removal of all anchor-outs, which are unauthorized uses in Sausalito and not consistent with the General Plan or zoning, would effect the existing anchor-out form of housing and alter the location, distribution, and growth of the anchor-out population.

To accommodate as many of the anchor-outs as possible, Policy 2 recommends that limited numbers of new berths be authorized in existing houseboat marinas in Sausalito and Marin County for the relocation of anchor-out houseboats as minor additions to the marina.

Further, Policy 3 recommends that a limited number of anchor-out live-aboards and houseboats be allowed in existing and new recreational boat marinas.

The provision for the accommodation of anchor-out houseboats and live-aboards should mitigate complete removal of all unauthorized and illegal anchor-out dwelling units from Richardson Bay. Accommodation is, however, dependent on the marina operator agreement to provide the facilities.

3. Item II. 13. b. and 14 a., b., c., d., e., f. and 16 a., b., c., and d. If a limited number of anchor-out houseboats and live-aboards are accommodated in recreational and houseboat marinas, there could be a demand for new parking. However, a criterion for anchor-out accommodation is that adequate parking be provided as a condition of relocation approval.

There also may be need for an increase in public services for authorized marina anchor-out berths. Services such as fire and police protection, school and park facilities, and garbage collection may be required. However, there should be little increase, if any, over the level of service now provided to the existing unauthorized anchor-out residential dwellings and vessels.

Existing power, water, and communication systems would be required to be extended to the berths of anchor-out dwelling units, but the cost of the extension of such facilities should be minimal because these services already exist at the existing marinas and would normally be incuded in any new marina.

Sewer lines would have to be extended to accommodate relocated anchor-out houseboats, and if Richardson Bay is declared a no discharge area, extended to some live-aboards. Sewage capacity at the Marin City - Sausalito Sanitary District treatment plant exists to accommodate the potential increased sewage.

4. Item II. 19. The Special Area Plan element, Public Access, Views, and Vistas, Policy 3, states that "sandy beaches, such as the Schoonmaker property in Sausalito such be protected for public access and use." This policy would result in the increase in the quality and quantity of recreational opportunites in Sausalito.

Compatibility with Existing Plans and Zoning

The policies and land and water use designations of the Richardson Bay Special Area Plan are consistent with the Sausalito General Plan policies and General Plan Diagram and the Zoning Code and Zoning Map. The upland areas around Richardson Bay are designated for residential, commercial, industrial, and public park and open space uses in the policy plans and regulations of local governments and in the Bay Commission's Bay Plan. These designated areas are appropriate uses of the Richardson Bay shoreline and should be continued. The uses are not indicated on the Plan Maps except in cases where existing water and land uses are closely intertwined.

The use of water areas consistent with the policies of local government, the Bay Commission, and public trust needs as indicated on the Plan Maps (see Plan Map 1, Southern Sausalito and Plan Map 2, Northern Sausalito) are as follows:

1. Open Water. The shallow tidal waters, marshes, and deeper open waters of Richardson Bay are designated to be protected as open water for aquatic and wildlife habitat; open space and nature study; low intensity water-related recreation uses such as fishing, swimming, wind-surfing, and boating activities including the following facilities for recreational cruising craft: anchorages and moorages, floats, dolphins, buoys, small boat docks and piers (where not in conflict with pierhead and bulkhead lines established by the U.S. Army Corps of Engineers), and small boat launching ramps.
2. Marina Facilities. Deeper tidal waters in areas sheltered from strong winds and storms in close proximity to navigation channels

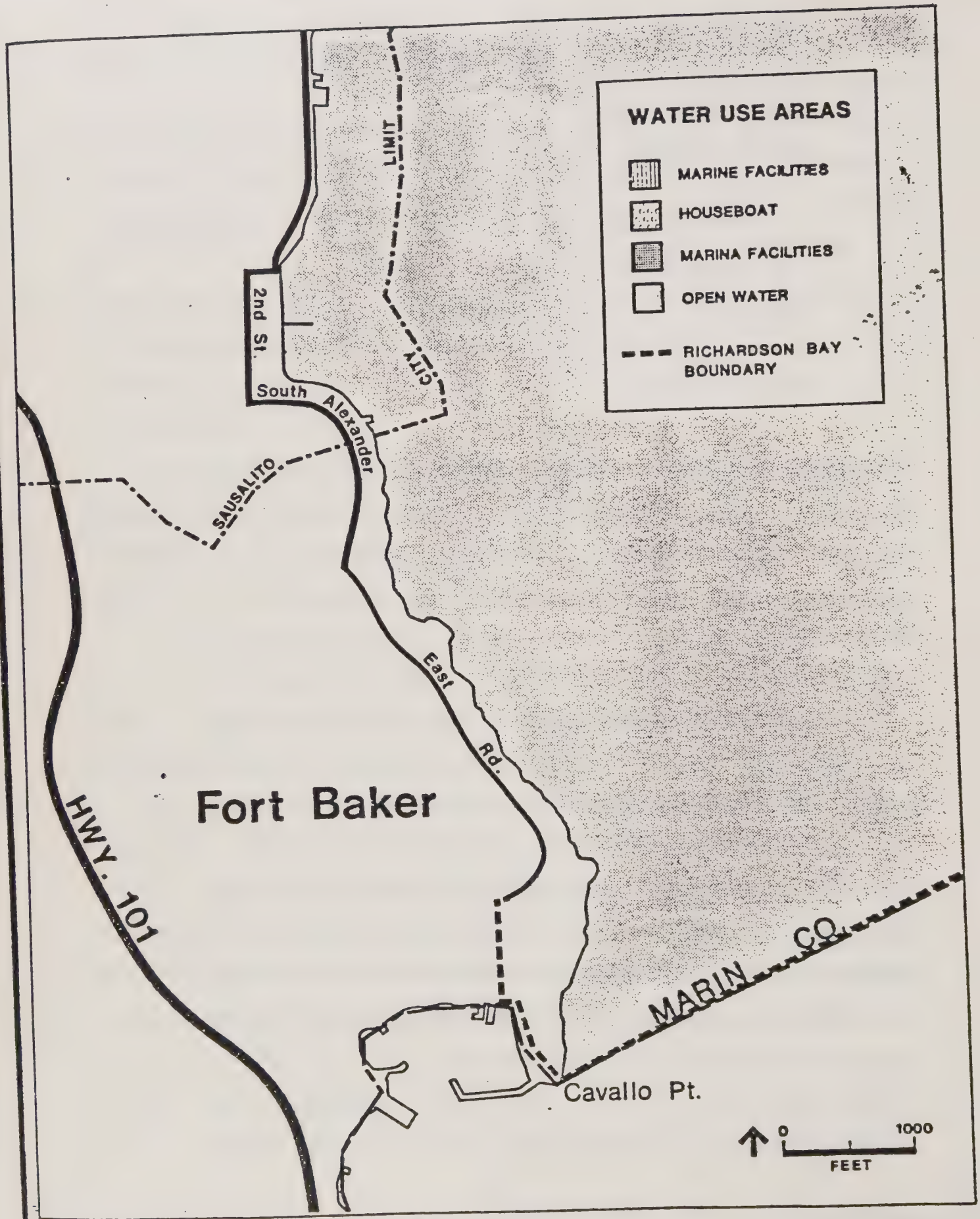
and deep water are designated to be protected for aquatic and wildlife habitat; open space; and marina, yacht club, and marina-related recreational boating use.

3. Marine Facilities. The waterfront of Sausalito is designated to continue as a "working waterfront" for such marine-oriented uses as boat building, repair, and sales; marine supply and sales; marinas and marina-related facilities as currently authorized.

4. Houseboats. The existing houseboat area is designated for houseboat use for so long as the area is not needed for public trust purposes.

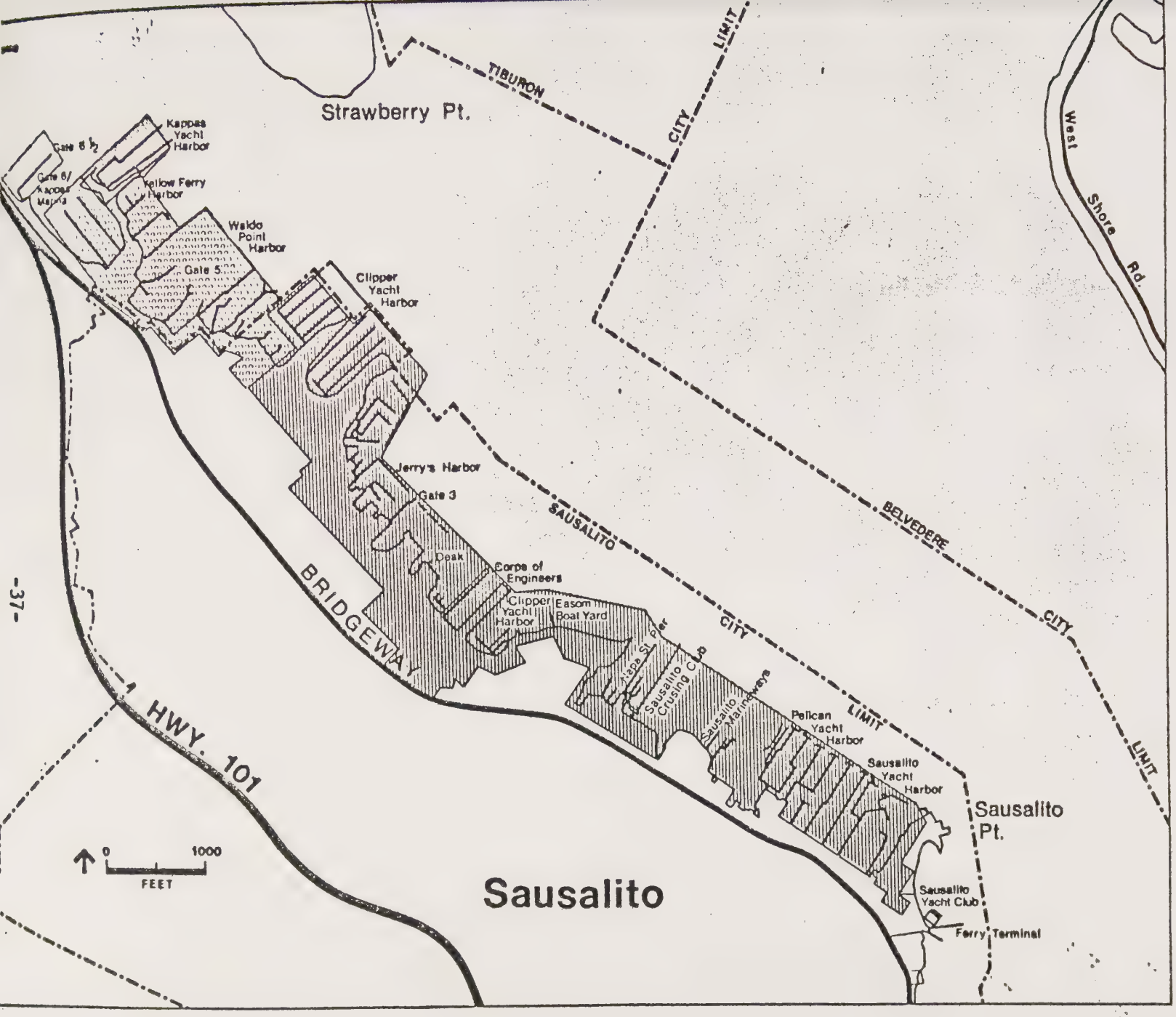
The uses described in the "Open Water" designation on the Special Area Plan maps are consistent with the "Open Area District" zone uses. The "Marine Facilities" area of the Special Area Plan would permit the same uses as are permitted under the "Waterfront District" in the zoning code. The "Houseboats" area would allow the same use as the zoning code "Houseboat District."

The principal difference between the Special Area Plan policies and the Sausalito General Plan and zoning is that the Special Area Plan policies would permit a limited number of anchor-out houseboats as a minor addition to the existing houseboat marina (Varda Landing) and a limited number of anchor-out houseboats and live-aboards in existing and new recreational marinas. Except for the Houseboat District, these areas are zoned for "Waterfront" use and the residential use is not now permitted in that zoning district. The Zoning Code would have to be amended, if the Richardson Bay Special Area Plan is adopted, to conform to the Special Area Plan policies.



RICHARDSON BAY
SPECIAL AREA PLAN

PLAN MAP 1
Southern Sausalito



WATER USE AREAS

- MARINE FACILITIES
- HOUSEBOAT
- MARINA FACILITIES
- OPEN WATER

PLAN MAP 2
Northern Sausalito

RICHARDSON B
SPECIAL AREA PLAN

PART VI: REPORT PREPARATION

The following individuals and agencies participated in the preparation of the Initial Study:

Sausalito Planning Department

Michael Foley

San Francisco Bay Conservation and Development Commission

Jeffry Blanchfield
Margit Hind

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SOCIOLOGICAL IMPACTS
OF THE
RICHARDSON BAY SPECIAL AREA PLAN

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Appendix A: Housing Programs Available

SOCIOLOGICAL IMPACTS
OF THE
RICHARDSON BAY SPECIAL AREA PLAN

I. Introduction

In response to a number of concerns raised by the Suasalito Planning Commission, and by other citizens at the public hearings held by Sausalito, Tiburon and the County of Marin, this report on the sociological impacts of the Richardson Bay Special Area Plan has been prepared. The purpose of the study is to describe those impacts which may occur as a result of the implementation of the policies contained in the RBSAP, and to suggest potential mitigation measures which could be implemented, along with the Plan, to reduce such impacts.

It should be noted that, as in any area, the needs and concerns of the human population are often in conflict with the provision of a healthy natural environment. Compromises must be effected which reduce the impact of man's activities on the natural environment, but at the same time do not cause severe and unreasonable disruptions to the necessary activities of man. The overall objectives of the Richardson Bay Special Area Plan are to improve the water quality of the Bay, to provide for a variety of human uses which are necessarily water-based or water-oriented, and to improve wildlife habitat, marsh and tideland conditions and public access to the Bay.

The planning process for Richardson Bay has been one of long discussion of the human environment and the needs of waterfront residents and those engaged in marine trades (fishing, boat building, boat repair and service, salvage and rescue operations, etc.). Almost 2 years were spent in meetings with an advisory committee consisting of 50 representatives of local organizations, including waterfront residents.

This study is based upon the facts contained in several existing reports, including the Sausalito Waterfront Residential Study (Earthmetrics), The Gates Coop EIR, and the background reports for the Richardson Bay Special Area Plan.

II. Policies of the Richardson Bay Special Area Plan and Their Impacts on the Sociological Environment of Richardson Bay.

A. Aquatic and Wildlife Resources Policies

Policy 1: The open water, marshes and mudflats of Richardson Bay are particularly valuable wildlife habitat and should be afforded maximum protection. Eelgrass beds, important to herring spawning and for production of detritus should also receive maximum protection.

Impacts: May restrict areas in which anchorage of vessels is appropriate, especially around the eelgrass beds. Protection of these resources should have overall beneficial impacts on the herring and other fisheries. It is believed that there is sufficient area in the Bay to provide for adequate anchorage and mooring areas, outside of eelgrass beds, marsh and mudflat areas, so that the potential dislocation of such anchorage is negligible. Overall impact is considered beneficial to humans (improved quality of fisheries).

Policy 2: Future shoreilne developments adjacent to mud flats or tidal or diked marshes should provide a natural landscaped buffer area between the development and the shoreline.

Impact: Affects developable parcels on shoreline. May reduce slightly the amount of potential development on a given site. Considered insignificant.

Policy 3: The harbor seal haul-out area on Strawberry Spit should be further protected by buoys placed offshore of the haul-out site during the haul-out season.

Impact: May limit recreational boating in this area during the season. Given the shallow waters in this area, only a limited number of boats would be affected, primarily those using the Salt Works Canal for access to docks in the Greenwood Cove area. Considered a minor impact.

Policy 4: Open areas of Richardson Bay used as resting and feeding areas by migratory waterfowl during the winter should be protected from speeding boats through continued patrolling of the Audubon Society Sanctuary and by the posting of notice of boat speed restrictions in upper Richardson Bay.

Impact: May have limited effect upon recreational boating within the Sanctuary area. Considered insignificant.

Policy 5: Any development within Richardson Bay should avoid destriction of marshes, mudflats, shellfish beds and eelgrass beds.

Impact: May restrict the location of some new development, including additional marina projects. Could have an impact on the total number of boats which could be accommodated within Richardson Bay, if additional marina sites are found

to be in conflict with this policy. Might have some effect on fishing boats, if adequate sites for piers cannot be found. Level of impact is unknown at this time, although the background reports did not show that the Sausalito waterfront had significant areas of marsh, mudflat or shellfish beds. Eelgrass beds do extend along the shoreline and could present some conflicts. The extent and significance of these conflicts is not known at this time.

B. Water Quality Policies

Policy 1: The funding and construction of approved sewage treatment facilities to end treated municipal wastewater discharges into Richardson Bay should be expedited as much as possible by local, regional, state and federal agencies.

Impact: Potential cost impacts upon City of Sausalito and upon individual taxpayers required to contribute to the funding of the new Sausalito-Marin-City treatment plant and outfall facility, in the form of sewer use fees or special taxes. This facility is presently under construction. No other treated wastewater discharges are presently occurring, and are not likely to be commenced.

Policy 2: Existing sewage collection systems should be upgraded and new treatment plants should be designed to accommodate wet weather flows to prevent the discharge of untreated sewage on land or into Richardson Bay.

Impacts: The need for upgrading of existing sewer lines and for increasing the capacity of treatment plants to accommodate wet weather flows would have economic consequences upon the taxpayers asked to assist in the funding thereof. Additionally, the construction of new sewer lines in existing neighborhoods will have temporary disruptive effects on traffic and parking along those streets where lines are replaced. This is a temporary effect and may generally be considered insignificant. It should also be noted that generally, the sizing of treatment facilities to accommodate extreme wet weather flows has been found to have costs in excess of benefits. Replacement of older sewer lines which allow storm water to infiltrate will reduce wet weather flows to the plants, and is considered more effective.

Policy 3: Local governments should continue to carry out the urban runoff control measures recommended in the Marin County Surface Runoff Management Plan to the maximum extent feasible. Bayside parking areas should be designed and constructed so that pollutants are retained on land and not washed into Bay waters.

Impacts: Minor costs associated with the implementation of the surface runoff control program (increased level of street sweeping, etc.). Design of bayside parking areas to reduce runoff into the bay does not cause any significant impacts in terms of costs or other human impacts.

Policy 4: Proposed projects which include new dredging should include testing bay muds for possible pollutants and contaminants early in the project planning process.

Impacts: Costs associated with testing of bay muds (borne by developers of projects). Potential findings from tests which would show high levels of contaminants which might make dredging environmentally very damaging. This might result in dredging permits not being granted, and a change in project design or location. If this finding were made in an area proposed for a new marina basin, and the basin were not permitted for this reason, the total number of boats permitted within marina berths in Richarson Bay might be restricted. Further, in areas where expansions of houseboat marinas has been considered, conflicts between BCDC policies of requiring boats to float at all stages of the tide, and the environmental impacts of dredging would have to be resolved. These concerns are discussed in greater detail in the Water Quality Report, the Sediment Hydraulics Report and the Gates Co-op EIR (page 4.5-11). Resolution of these concerns by reducing the areas of expansion for houseboat marinas, or all marinas, could reduce the number of potentially available berths for existing unauthorized boats (both those in non-permitted berths and anchor-outs). These impacts will be discussed in the section concerning Residential Vessels and Floating Structures.

Policies 5 and 6: Local governments and BCDC should adopt erosion and sediment control measures to be installed on all projects prior to the first of October.

Impact: Limited construction season may be viewed as an economic hardship by some developers. However, this is already policy in most of the communities surrounding the Bay and does not pose additional requirements.

Policy 7: Marinas and yacht harbors should install sewage and graywater pumpout facilities for public use. ...Marinas with vessels used as residences should provide on land conveniently located restrooms, showers, parking and garbage disposal facilities adequate to serve authorized resident liveaboard occupants.

Impact: Cost of marina operators of providing such facilities, and the potential that such costs would be passed on to the boat owners, in the form of increased berth rentals or other fees. Fees should be limited to actual costs for provision of service. Costs are minimal.

Policy 8: There should be no discharge of sewage into Richardson Bay, and existing discharges should be eliminated. A sewage no-discharge zone should be designated.

Impacts: Boat owners would have to bear the costs of sealing through-hull discharge valves, and of using pump out stations, or of connecting to a sewage disposal system at their berth. Costs of local enforcement of no-discharge regulations needs to be evaluated as part of the RBSAP implementation process.

Policy 9: All houseboat marinas which have houseboats which have sewage or graywater producing facilities onboard should install and maintain sewage and graywater facilities that will directly connect the houseboat to a shoreside sewage treatement system. Houseboats which have sewage and graywater producing facilities onboard should be equipped with and use a system that connects these facilities to a shoreside treatment facility.

Impact: Costs of connections to the shoreside treatment facility for boat residents (including modification to boat system), and the cost of installing the sewage collection system for marina operators, may be significant. Such systems are presently required by Marin County Code. If the costs of installation of collection systems are passed on to boat residents by marina operators, some lower income boat residents may not be able to remain within these marinas.

Policy 10: Subsequent to Richardson Bay being declared a no discharge area by the EPA: a) all recreational boat marinas and yacht harbors which have liveaboards which have sewage or graywater producing facilities on board should either provide and maintain sewage and graywater facilities that will directly connect these vessels to a shoreside sewage treatment facility or provide conveniently located sewage pumpout facilities and provide the pumpout service free or at reasonable fee to offset maintenance costs; b) liveaboards which have sewage producing facilities on board should be equipped with and use a system consistent with U.S. Coast Guard regulations that connects the facility to a holding tank which can be either directly connected to a shoreside treatment facility, or emptied at a sewage pumpout station; and c) all transient vessels should comply with the sewage no discharge requirements.

Impacts: The cost to marina operators of installing the pumpout stations and /or continuous connections toa shoreside treatment facility may be significant, and will probably be passed on in the form of increased berth rentals. This might have an adverse economic impact on some lower income berth holders. The cost of installing appropriate facilities on the boats to allow for connection or pumping out are not considered significant. Enforcement of the no-discharge area, for transient vessels will have some associated costs.

Policy 11: After Richardson Bay is declared a no-discharge area, monitoring should be carried out by the County and by the Regional Water Quality Control Board to determine whether graywater discharged by liveaboards is polluting the Bay. If such findings are made, additional requirements should be implemented to require discharge of graywater into shoreside treatment systems or at pumpout stations only.

Impacts: A small cost would be associated with the monitoring program. If graywater requirements are imposed, some boats using a Coast Guard approved marine sanitation device, and pumping out, might need retro-fitting to provide a separate holding tank for graywater, since most MSD's are not designed to provide treatment or storage for the quantities and concentrations of water found in graywater. This would have some cost implications for boat owners.

Policy 12: Commercial fishing boat dock facilities should provide onshore restrooms and shower facilities for resident fleet and transient fishing vessel crew use. If liveaboards are authorized at the facility, and subsequent to a no-discharge area being established, the same requirements for connection to an onshore system, or a pump-out facility should be imposed.

Impact: The provision of restrooms and showers for the fishing fleet is a beneficial impact. This enhances the attractiveness of Sausalito as a port for the fishing fleet. It is possible that the owners of the fishing docks would charge a higher berthing fee or otherwise pass the costs of such facilities on to the fishermen. The impacts of additional cost to liveaboards are the same as for liveaboards in recreational marinas and have been described above.

Policy 13: Funding should be sought for new studies by the RWQCB of water quality in Richardson Bay to evaluate the effect of Richardson Bay water pollution control programs.

Impacts: The costs of such studies would probably be funded by state or federal or private programs rather than locally. If the efforts described above did not produce an increase in water quality, additional programs might be developed which may have additional cost and effort implications. This is unknown at this time.

C. Navigation Channels, Marinas, Anchorages, and Moorage Policies

Policy 1: The Corps of Engineers channel and turning basin, vitally important for the maritime future of Richardson Bay, should continue to be marked and maintained.

Impacts: Beneficial impact on all marine activites within Richardson Bay. Costs are borne by the Corps of Engineers.

Policy 2: The Marinship launching basin should be locally designated and marked as an area of navigation.

Impact: Minimal local costs for channel markers.

Policy 3: The Saucelitocanal should be locally designated and marked.

Impacts: Minor local costs for marking.

Policy 4: An 100 foot wide navigation channel should be designated and marked from the Saucelito CAnal to the Kappas Yacht Harbor.

Impacts: Minor local costs for channel markers.

Policy 5: An 100 foot wide navigation channel from the Saucelito Canal to Greenwood Cove through Strawberry Lagoon should be locally designated and marked. The new navigation channel would become operative at the time the channel is cut through Strawberry Spit. At that time, the Salt Works Canal navigation aide markings should be removed.

Impact: Improved navigation for small boats from the main channels of Richardson Bay into the Cove area via the new channel. Minor local costs for channel markers and for removal of old markers. Costs of the cut through Strawberry Spit are borne by the developer.

Policy 6: New marinas should be located only in deeper tidal water areas sheltered from strong winds, waves, storms and adjacent to waters of sufficient depth for navigation or adjacent to maintained navigation channels.

Impacts: Limits development areas for new marinas to the shoreline of Sausalito and the County adjacent to the Corps channel and deeper water, and to the Belvedere/ Tiburon Cove area. Would restrict such development along the Strawberry and Tiburon shorelines, and in the waters of Mill Valley, although present zoning regulations already would prohibit such development in these areas. May limit the overall number of boats which can be berthed in Richardson Bay, which might ultimately affect berth rentals.

Policy 7: The local governments should jointly petition the U. S. Coast Guard to amend the federal Richardson Bay anchorage regulations to include the authority of local anchorage and moorage ordinances as notes to the federal anchorage regulations.

Impact: Would permit local control of the Bay's waters, and would permit enforcement of local anchorage and moorage regulations. Would allow enforcement by local jurisdictions of policies contained in the Richardson Bay Special Area Plan concerning anchorouts and other vessels not located within approved marinas. Would result in costs to local governments for such enforcement.

Policy 8: Boat docks and floats and other structures or objects should not encroach on the Richardson Bay navigation channels or areas designated on Plan Map 6: Navigation Plan.

Impact: Limits the extent of docks, floats and other structures whih might interfere with the channels, and might overall reduce the areas in which boats may be moored. This might affect the overall number of boats permitted in marinas in the Bay. It would also provide a significant benefit to all boat operators in the Bay in that channels would be free of such obstructions, and navigation would be free from unusual hazards.

D. Dredging and Spoils Disposal Policies

Policies 1, 2, 3 and 4: Dredging of the Corps of Engineers channel and turning basin, marina basins, navigational fairways, the Marinship Launching Basin and channels designated on Plan Map 6, the Saucelito Canal and the channel from Kappas Yacht Harbor to the Saucelito Canal should be performed.

Impacts: Improved navigation would be a significant benefit. Costs of dredging those channels which must be done locally may be significant, and lack of funds might result in an inadequate frequency of dredging. Since dredging is not now done,except in the Corps channel, any dredging would be an improvement, and a beneficial impact.

Policy 5: The Salt Works Canal in from the Strawberry Spit wildlife preserve should not be dredged.

Impacts: Findings in the Sediment Hydraulics Report indicate that this canal would remain in relative equilibrium allowing navigation about 79% of the time. Opening of the channel through the Spit would improve the conditions in this channel, and would provide an alternative channel to that whic is now too close to the seal haul-out area. Dredging of the upper reaches of the channel, near Greenwood Cove, might be carried out locally, but was not recommended due to high costs, and limited benefit. Lack of dredging in this area may have some minor effects upon accessibility to small boats.

Policy 6: Dredge spoils should be disposed at an approved on-land disposal site, or at an approved site outside Richardson Bay, or beyond the 100 fathom line at sea, if the spoils are contaminated.

Impacts: The need to transport spoils to some distance increases the costs associated with dredging. Benefits occur due to the reduction in the amount of spoil material deposited in or near the bay to return to the location from which it was dredged, thus reducing the frequency of maintenance dredging operations.

Policy 7: The Corps of Engineers should continue to evaluate the Raccoon Straits spoil sites for disposal of small amounts of dredged materials.

Impacts: If the sedimentation impacts of the use of this site are found to be minimal, the use of the area for minor operations within Richardson Bay could reduce the costs of dredge spoil disposal, assisting in funding regular maintenance dredging programs.

E. Residential Vessels and Floating Structures Policies

Policy 1: Vessels and floating structures used for residential purposes (i.e. houseboats and liveaboards)

should be allowed only in recreational or houseboat marina berths when consistent with, and in compliance with all local codes. All anchor-outs should be removed from Richardson Bay.

Impacts: This policy has a number of implications, and affects a number of boats. As of late 1983, a count of the anchor-outs in Richardson Bay indicated that approximately 70 to 85 boats were anchored-out, both inside and outside of the pier line. All of these boats without berths will either have to find berths in existing or proposed marina developments or will have to leave Richardson Bay. Additionally, all of these boats will have to be brought up to local Code requirements. Such requirements are not new, but have not been enforced strictly by the local jurisdictions in the past. Many of the boats, it is judged, would require considerable work to bring them up to code requirements of Marin County, the Coast Guard and other local agencies. The costs of such work would undoubtedly vary tremendously from boat to boat, and may be beyond the means of some of the residents. Additionally, there may be some boats which simply cannot be brought into compliance with local codes and requirements. The following policies (#2 and #3) may have further impacts on these anchor-out boats, in that they describe limitations on the number of residential boats which may be permitted in Richardson Bay within marinas. If such restrictions are implemented, it is unlikely that all of the existing anchor-outs would be accommodated in marinas, even if the boats were brought up to codes.

Within the City ofSausalito, the Sausalito Waterfront Residential Study showed a total of 22 anchor-outs, along with another estimated 128 residential units (houseboats and liveaboards), of which only a total of 12 boats were in permitted residential berths. Enforcement of existing policy would result in the need for locating a total of 138 vessels/floating structures into permitted residential berths, assuming all of these vessels met all applicable codes. The Earthmetrics study indicated that another 8 boats could be accommodated with present zoning density standards in the H zone, where the twelve legal boats are now located (Varda Landing). Approximately 40 of the boats without permits are part of the Galilee Harbor Association which is seeking to relocate as a group. Most of these boats are now located near the Napa Street Pier, owned by the City of Sausalito, and which must be replaced if it is to be used. A total of 15 fishing boats were also located at the South Pier, which is the only commercial fishing dock in Sausalito, and the study notes that the number of boats at this pier varies considerably from season to season. The Earthmetrics study also notes that if all of these boats were to be relocated with existing or proposed marinas within the City of Sausalito, about 8% of all of the 970 existing and 750 to 850 proposed berths would need to be allocated to residential use. Based upon the public trust tests applied to the Berkeley Marina, a total of 4% of berths were authorized for residential (liveaboard) use, with a view to preventing vandalism, and increasing the security of recreational boats in the marina. The State Lands Commission and BCDC felt that this was a use accessory to, and consistent with the trust use as a recreational marina.

It follows, then, that if not all anchor-out vessels and structures will be able to find spaces within existing or proposed marinas, or that some will not be able to meet code requirements for such spaces, that there will be some boats which must either leave Richardson Bay altogether, or must cease to be used residentially. It is not possible to determine the precise number of such anchor-outs. Additionally, the County waters also harbor a number of anchor-out vessels not included in the Earthmetrics study, and it is also likely that not all of the boats presently within the Gates Coop area will be able to be permanently berthed there. The Small Boat Harbor study indicated that there were approximately 115 boats in the area, and Gates Coop members requested that the Board of Supervisors grant permits, and allow marina expansion, to berth 115 boats initially. The Board approved a conceptual plan calling for a maximum of 78 boats, with an additioanl 10 boats to be placed on a waiting list for available spaces. However, this would leave 25 to 35 boats without possible berths. These boats would compete with the boats now in Sausalito waters for any available spaces. It is also possible that the final plan to be approved for the Gates Coop will not accommodate 78 boats, but some lesser number, and this would create additional boats without potential berths.

It does not appear that there are other locations in San Francisco Bay in which the boats displaced from Richardson Bay could relocate. The Bay itself is entirely within the jurisdiction of the S. F. Bay Conservation and Development Commission, which would apply the same public trust criteria to berthing of permanent residential vessels and structures in recreational marinas or in special houseboat marinas as they have applied to Richardson Bay; i.e. such private residential use of public trust lands could not be permitted by BCDC. There are portions of the delta (Sacramento/San Joaquin) which are not subject to public trust considerations, and which might serve to harbor some of these boats, but these areas are generally rather remote from sources of employment and services.

It appears unlikely that all of these boats would find suitable locations to which it would be practical to move, either within the Bay itself, or within tributary areas. Moving to more distant locations would entail much greater expense, and it is unknown whether many of the vessels are sufficiently seaworthy to make such moves practical.

Therefore, it must be assumed that many people now living on anchor-out craft, and boats without berths in permitted residential marinas, must relocate off these vessels and structures, and cease using them residentially. This means that they must find alternative housing, either on existing boats with permits, or on land. The abatement of the anchor-out boats will dislocate a number of people, and there are a number of impacts created by such dislocation.

First, many of these people do not wish to give up their distinctive lifestyle. To many, this represents a freedom from many of the constraints on land dwellers in the

form of rents, housing styles, lifestyles, etc. The RBSAP and the supporting documents indicated that there are a number of impacts created by the anchor-out lifestyle, including water pollution, hazards to naviagions, and conflict with public trust uses of the Bay.

Second, the Sausalito Waterfront Study indicated that the median income (developed from their survey of residents on the waterfront) was approximately $13,000, or less than one-half of the average for the County. This means that many of these people would not find it possible to find housing at a price which they could afford within Marin, except potentially in subsidized housing projects, or under one of the rental subsidy programs. Very little such housing is available in the Richardson Bay area, the most notable complex of rental housing in the moderate income category being the Hilarita in Tiburon with 108 units. Generally these units are full, with a waiting list, and could not expect to accommodate a large number of inndividuals and families in a short period of time. Other low jcost housing is available in San Rafael and Novato, but for those residents of boats who are involved in maritime activities centered in Sausalito or the County along Richardson Bay, this would require a commute, or a change in occupation.

The issue of the working waterfront has been raised by members of Galilee Harbor and other houseboat, liveaboard and anchor-out vessel occupants. It is claimed that most of the people who chose to live in these vessels have jobs that are directly related to the waterfront. The Earthmetrics study indicated that many of the current residents of the waterfront do participate in marine trades employment and possess maritime skills. Approximately 35% of the labor force surveyed was so employed, with another 23% involved in arts and crafts. The Earthmetrics study concluded that the maintenance of the existing residential uses of the waterfront could be influential in maintaining a viable working waterfront. The study concluded that the provision of a mixed residential/commercial/industrial use pattern is a common way of revitalizing a waterfront, which has been used in several other communities in the U. S. Design consderations are especially important in such a pattern to preserve public access and use rights to shoreline and water areas while permitting a viable development to occur.

Without determining in advance the extent to which the existing unauthorized boats (both in non-residential berths in marinas, and anchor-outs) could be accommodated within permitted berths, it is difficult to determine the extent of the impact on these residents. It is possible that a berth could be found for all existing boats within Richardson Bay, although this appears to be unlikely. To a large extent, the amount of displacement which will occur, forcing some owners to give up their vessels and either live on land, or relocate the vessels out of Richardson Bay, is direclty related to the implementation of the RBSAP by the local jurisdictions, and the extent to which

the jursidictions are willing to work with BCDC and other agencies in determining how best to accommodate such vessels within the public trust doctrine. The appendix to this report will list some of the housing programs which may be available to assist dislocated boat owners in either finding new housing or subsidizing such housing for them.

Policy 2: Within the existing houseboat marinas, limited numbers of new berths should be authorized to accommodate some of the anchor-out houseboats which existed in Richardson Bay on or prior to September 30, 1983, provided the anchor-out houseboat is in compliance with the applicable government codes including parking requirements; Bay Commission policies; and the policies of the Special Area Plan. NO new houseboat marinas should be authorized.

Impacts: This policy would probably expand the number of berths which could be made available to the existing anchor-outs, although it does not prescribe a percentage or number of such berths which would be authorized. The implementation of this policy is dependent upon the marina owners in that the expansion of existing houseboat marinas would require them to plan and get permits for such expansion. It is unknown whether any of the existing houseboat marina owners (other than Waldo Point) have any interest in expansion of their marinas, expecially for the purpose of accommodating anchor-out boats. If the owner of a houseboat marina were interested in expansion, a lengthy permit process would be required, and it would appear that the marina owners would prefer to be permitted to create new berths for new houseboats to be constructed (which are likely to be more expensive, and therefore capable of paying higher berth rents), than to provide space for anchor-outs which, according to the Earthmetrics study are occupied largely by household with moderate incomes, and which would generally not expect to pay the kinds of rents paid by newer, and more conventionally constructed houseboats. Further, the degree to which anchor-outs could meet code requirements to be eligible to enter such berths is unknown, although the County's marine inspector indicated that he believed that a substantial number would not be capable of meeting the County's Code requirements. Sausalito does not currently have a specific code for houseboats, but assuming that the same standards were applied to the boats within Sausalito's waters as are applied to those in County waters, it is likely that a number of these boats would not be found acceptable.

The fact that no new houseboat marinas can be authorized is a reiteration of existing public trust policy and Bay Commission policy. This would continue in force regardless of whether any City or the County determined that it would permit additional houseboat development, and would result in a denial of BCDC permits for the construction of such marinas. This has the impact of limiting the total number of houseboat berths which will ever be legal or legalized in Richardson Bay.

Policy 3: To accommodate anchor-outs, a limited number of live-aboards and houseboats should be permitted in the existing and new recreational boat marinas provided: a) they are necessarily incidental to the recreational boating use; and b) they are in compliance with the applicable local government codes, including parking requirements; Bay Commission policies and the policies of the Special Area Plan.

Impacts: This policy would expand the number of anchor-outs which can be accommodated in existing and proposed recreational berths. The exact number of such boats which could be accommodated is unknown, but it is likely that there would be a similar test applied to such accommodated boats as was applied to Berkeley (i.e. approximately 4% of the total). As indicated in the discussion of the preceeding policy, a total of 8% of the new berths created, and all existing berths, would need to be for such liveaboards and houseboats in order to accommodate all of those presently in Sausalito waters, while there are substantial additional numbers (including all of those boats presently constituting the Gates Coop*) which are in Marin County waters and would need to be accommodated. It is unclear at this time how many boats would be required to be removed from Richardson Bay, and of that number how many could find suitable berthing or anchorage areas in other parts of San Francisco Bay or elsewhere, and how many would cease to be occupied. Relocation of these residents to land housing would create an additional demand for housing in this area, especially for housing in the low to moderate price ranges. As discussed earlier, limited amounts of this housing exist in Southern Marin, and the eligibility of the present anchor-outs and the number of units available may present some problems. It is possible that some residents may be eligible for relocation assistance and other public assistance to assist them in the transition from their boats to shoreside housing.

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*It is likely that a substantial number of the present residents of the Gates Coop area will be accommodated in the expanded Waldo Point marina. However, if permits are not approved for this project, all of these boats are presently without permits and would have to find alternative berths or locations.

The City of Sausalito indicates that the followig projects are presently in the process of approvals: Schoonmaker, with a total of 196 berths, and a possible agreement with the Galilee Harbor Association to relocate within this marina (for up to about 40 boats, or 22% of the total), Zacks, with an application for 398 slips, and Planning Commission recommendation for 220. No slips are contemplated for houseboats or anchor-out liveaboards. The Terra Landing project is still in design, and it is unknown how many slips might be available, if any. It also appears that it would be built too late to be available for any of the anchor-outs. The only other expansion site noted by City staff would be portions of the Clipper Basin (between #3 and #4), with a total of between 40 and 80 berths.

Policy 4: Any vessel or floating structure use primarily for a non-water oriented use such as an office, commercial or industrial use should not be permitted in Richardson Bay.

Impact: At present such uses are not permitted by any jurisdiction, thus, the impacts of adopting this policy are non-existent. The continuation of existing policies may put some additional pressure and competition for space on existing commercially and industrially zoned areas of the surrounding communities, with potential for increased rentals for business space. This could have some negative effects upon marginal businesses which may be operating on the vessels now, and which could not afford to pay rental for a business space on land. It should be noted that the policy refers to primary use of the vessels, and would not affect those boats used for water-oriented businesses, including fishing boats, marine crafts and salvage/navigation operations, or for vessels on which the primary use was other than commercial. There is a group of houseboats at Gate 3 (Arques property) which contain offices, and do not have kitchens or other residential fittings. These are occupied by professional offices, including a number of attorneys, who would not have economic problems with relocating. There is a question, however, of the future use of these boats, in that they are not permitted houseboats, nor could they continue as commercial facilities. The County's RF zone allows some limited office uses.

F. Public Access, Views and Vistas Policies

Policies 1 and 2: A continuous unified public access system should be provided around the entire periphery of Richardson Bay. Maximum feasible public access to and along the shoreline should be provided as a part of each new development.

Impacts: Increased human access to the shoreline, with provision for improvements to such access areas. May slightly reduce the developable area for some shoreline projects, or create changes to site plans for these areas. Impact considered significantly beneficial. This policy is merely a restatement of existing BCDC policy, and does not impose new impacts.

Policy 3: Sandy beaches should be protected for public use and access (i.e. Schoonmaker property beach in Sausalito).

Impacts: Benefits of increased access to those areas in which most people can enjoy the interface of water and land.

Policies 4 through 14: These policies detail the ways in which public access are to be improved along the Bay frontage. These are all extracted from the San Francisco Bay Plan, and are presently in force for all projects requiring BCDC permits.

Impacts: The overall impact of these policies would include improved access to the shoreline, especially in areas where there are new projects, in areas within public ownership, and some other locations. Public access should be restricted

in sensitive marshlands where damage may occur fron such intrusion. These measures may have some impact upon the costs of new development, and also may impose minor costs upon the local jurisdictions for maintenance and improvement of public access areas. These are not new impacts, however, as they are already included in BCDC policy.

Policy 15: Educational signing should be provided in shoreline parks and access areas to identify shoreline features and significant flora and fauna.

Impact: This policy has unknown implementation costs. It would also provide benefits to members of the public who use these shoreline areas, and for school groups and other educational activities in the shoreline.

Policy 16: The County and the cities abutting Richardson Bay participating in the Special ARea Plan should identify locations affording or potentially affording views of Richardson Bay and San Francisco Bay, and make provisions for safeguarding existing and potential view corridors.

Impacts: May have impacts on existing zoning ordinances, although such provisions are already contained in most ordinances around the Bay. This policy is a recommendation only, and the exact impacts cannot be ascertained until, and if, the jurisdictions actually determine the location, number and regulations for such view corridors.

G. Tidal Restoration and Marsh Enhancement Policies

Policy 1: Any tidal restoration or marsh enhancement project should be based on a detailed hydraulic, biologic and engineering analysys and on the tidal marsh restoration guidelines prepared by the Bay Commission.

Impact: None

Policy 2: Tidal circulation should be restored to Flea Market Pond and Greenwood Cove Pond to the extent compatible with flood protection and sediment control needs.

Impacts: May restrict the overall amount of development ultimately feasible at the Flea Market site, especially if the buffer strip requirements of the Aquatic and Wildlife policies are implemented.

Policy 3: Unobstructed tidal flow should be maintained into Goodman Marsh, Belloc Lagoon and Almonte Marsh, and into Middle School Marsh during the dry season.

Impacts: None.

Policy 4: Tidal circulation within north and South Bothin Marsh, Almonte Marsh and Coyote Creek Marsh should be enhanced.

Impacts: May have some costs.

Policy 5: Buffer areas should be maintained around restored and enhanced wetland areas.

Impacts: Cost of providing and maintaining such buffer zones are unknown. Minor affect on development.

III. Mitigation Measures

All of the below listed mitigation measures are considered to be implementation measures which could be incorporated into the Implementation Plan developed by the jurisdictions. No changes are recommended to the policies contained in the Richardson Bay Special Area Plan.

A. Aquatic and Wildlife Resources

These impacts are considered insignificant. The jursdictions should study the locations of sensitive habitat areas within the Bay to determine where suitable sites exist for anchorage and moorage areas, and to ensure that no development is allowed on sensitive sites, or to mitigate, either through proper restoration of other, more valuable areas, or proper siting and design of facilities, any slight destruction of such habitat.

B. Water Quality

The implementing jurisdictions will wish to study the costs and benefits of additional treatment facilities, and to determine whether such facilities are currently justified. Funding sources, other than local taxpayers, would help to mitigate the costs. Water quality factors which might limit potential marina construction and expansion could be mitigated by either reducing the amount of dredging required for such areas, or resiting the proposed facilities.

The costs of providing sewer hookups or pump-out stations may be mitigated by finding sources of public or private funds for installation of such facilities at reduced cost to the marina operators. Such funding sources could be investigated by the implementing agency.

C. Navigation Channels

Costs of dredging and marking of channels could be mitigated by seeking Federal or private sources of funds. This should be investigated by the implementing jurisdictions. An assessment district could also be investigated.

D. Dredging and Spoils Disposal

Costs of dredging could be funded by Federal or private funds. These sources of funds could be sought by the implementing jurisdictions.

E. Residential Vessels and Floating Structures

To the degree consistent with public trust considerations, the maximum number of anchor-out and other non-permitted vessels should be accommodated within existing, expanded or new marinas. Public and private assistance programs should be made available for relocation of those residents whose vessels cannot be accommodated. An attempt should be made to provide

some incentives to marina owners (both new and existing) to provide berths to boats which are presently anchored in Richardson Bay, especially those which are engaged in water-oriented occupations.

Assistance may also be required to make boat owners aware of code provisions, and to get boats brought up to code to be eligible for marina spaces. Private funding sources to help with such repairs and improvements might be sought, and it is possible that the County Housing Authority's Housing Rehab Loan Program may have funds available for houseboat rehab.

F. Public Access, Views and Vistas

No mitigation required, all impacts considered beneficial.

G. Tidal Restoration and Marsh Enhancement

No mitigation required. When a final development plan for the Flea Market site is presented for approval, some mitigation of the tidal restoration and marsh enhancement policies may be required in order to provide for adequate development of the site, with the developer requried to contribute to marsh enhancement elsewhere. These policies are contained in the Marin City Community Plan, and are not new, or imposing an additional burden.

IV. Conclusions

A. Significant Adverse Sociological Impacts

1. Some dislocation of boats and residents thereof now anchored out and berthed at non-permitted berths.

2. Additional costs to the implementing jurisdictions for enforcement of policies.

3. Reinforcement of existing policy limitations on additional development, water uses, and locations in shoreline areas.

B. Significant Beneficial Sociological Impacts

1. Improved public shoreline and water access.

2. Improved water quality for recreational uses.

3. Improved navigational conditions

4. Improved fishing due to improved water quality and habitat.

5. Removal of vessels now used in violation of public trust uses and activities, to the benefit of the public at large.

APPENDIX A

HOUSING ASSISTANCE PROGRAMS

Programs which may be available to assist boat owners in bringing their boats up to code:

Rehab Loan Program: administered by the Marin County Housing Authority, has previously been approved for rehab of houseboats. Contact: Maurice Wallahan, Marin County Housing Authority for details.

Relocation Assistance:

Section 8 HUD Certificates: Provide rental assistance to low and moderate income persons. Person with certificate pays 25% of gross income forrental, HUD pays remainder up to fair market rent for unit. It is possible that Section 8 subsidies may be available for berth rental charges, but it has not been confirmed. Unfortunately, there are a limited number of rental units in the Richardson Bay area which rent at amounts considered "fair market rental" by HUD, so there may be few units available in which this program could be used.

Existing low cost housing units: Marin City has public housing which is available to qualified low income tenants. There are existing subsidized rental units at the Hilarita in Tiburon, Shelter Hill in Mill Valley, and there are potential units to be built in Marin City (elderly only), at the Tam High School site in Marin City (probably about 200 units, but several years before completed), at Pickleweed (32 units within the next 2 years), and in Belvedere (probably elderly only.

There are also some low cost, for purchase units located in projects around the Bay, including some units at Tiburon Hills, in various projects in Mill Valley, and under construction in the Point Tiburon project. Whether displaced houseboat residents would qualify for such units, and could provide the necessary down payments (usually between $10,000 and $15,000) is unknown.

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Other Sources of Assistance:

Several of the communities around Richardson Bay have been collecting Housing In-lieu fees for some of their development projects. These fees might be used for rental subsidies for displaced residents of those communities, or for assisting them with moving expenses or other costs of leaving their vessels.

There may be other sources of money available for the construction of low income housing, including Mortgage revenue bonds and rental bond-financed projects. The Marin County Housing Authority is presently working on some projects using these financing tools, but the actual projects are located in the San Rafael area.